

Also, petition of the National Civil Service Reform League, against the Crumpacker census bill, relative to employment of additional clerical force—to the Committee on the Census.

Also, petition of Guy G. Fake, for national encampment of United Spanish War Veterans, favoring the raising of the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of the National Lime Manufacturers' Association, for appropriation to enable investigation by the Geological Survey for the improvement of lime manufacture—to the Committee on Appropriations.

Also, petition of the International Brotherhood of Bookbinders, favoring census printing by the Government Printing Office—to the Committee on the Census.

By Mr. WEBB: Petition of citizens of Charlotte, against certain proposed tariff schedule amendments on leather gloves—to the Committee on Ways and Means.

By Mr. WOODYARD: Petitions of citizens of Ravenwood, St. Marys, Parkersburg, and Sistersville, all in the State of West Virginia, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, February 23, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. By the consent of the Senator from Wyoming, in charge of the agricultural appropriation bill, and in order to forward the business of the Senate, I move that the Senate proceed to the consideration of House bill 27523, the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in "Schedule A," under the subhead "Salaries of ambassadors and ministers," on page 3, after line 8, to insert:

The following provision of an act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1894, be, and is hereby, repealed, namely:

"Whenever the President shall be advised that any foreign government is represented, or is about to be represented, in the United States by an ambassador, envoy extraordinary, minister plenipotentiary, minister resident, special envoy, or chargé d'affaires, he is authorized, in his discretion, to direct that the representative of the United States to such government shall bear the same designation. This provision shall in no wise affect the duties, powers, or salary of such representative."

And hereafter no new ambassadorship shall be created unless the same shall be provided for by act of Congress.

The amendment was agreed to.

The reading of the bill was continued to page 6, line 8.

Mr. HALE. An amendment was left out by mistake. On page 6, after line 8, I move to insert:

The President is hereby authorized to assign any regularly appointed secretary of embassy or legation to service in the Department of State, without change of salary, for a period not to exceed two years in any one case and of a number not to exceed three secretaries of embassy or legation at any one time. In each case the post from which the transfer is made may be filled by another appointment at the same salary, for which purpose the sum of \$8,625, or so much thereof as may be necessary, is hereby appropriated for the fiscal year ending June 30, 1910.

The amendment was agreed to.

The reading of the bill was continued to line 20, on page 9.

Mr. HALE. I move to strike out lines 21, 22, 23, 24, and 25, at the bottom of page 9, in the following words:

CLERKS AT THE EMBASSY AT LONDON.

For two clerks at the embassy to Great Britain, one at the rate of \$1,800 per annum and one at the rate of \$1,200 per annum; \$3,000.

And insert the following:

CLERKS FOR DISTRIBUTION OF INFORMATION.

For three clerks to be employed in the Department of State and to be charged with the distribution of information among the diplomatic mis-

sions, one at the rate of \$1,800 per annum, one at the rate of \$1,600 per annum, and one at the rate of \$1,200 per annum; \$4,600.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 15, after line 18, to insert:

INSTALLATION OF A WATER SUPPLY AT PEKING, CHINA.

To provide for an adequate water supply and proper apparatus in the legation at Peking, China, as a protection against fire, \$14,000.

The amendment was agreed to.

The next amendment was, under the subhead "International Union of American Republics," on page 16, line 3, before the word "thousand," to strike out "fifty-six" and insert "fifty-four;" and in line 5, after the word "bureau," to insert "or from the sale of the bureau publications," so as to read:

International Bureau of American Republics, \$54,000: *Provided*, That any moneys received from the other American Republics for the support of the bureau, or from the sale of the bureau publications, shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the bureau.

The amendment was agreed to.

The next amendment was, under the subhead "International Institute of Agriculture," on page 16, after line 24, to strike out:

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1910, \$4,800.

And to insert in lieu thereof the following:

For the payment of the quota of the United States for the support of the International Institute of Agriculture at Rome, Italy, for the fiscal year 1910, \$4,800; for the salary of one member of the permanent committee and for the actual and necessary expenses of delegates to the Grand Assembly of the Institute of Agriculture, \$8,600; in all, \$13,400, the said amount to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to insert:

INTERNATIONAL SANITARY BUREAU.

For the annual share of the United States for the maintenance of the International Sanitary Bureau for the year 1910, \$2,830.79.

The amendment was agreed to.

The next amendment was, on page 18, after line 14, to insert:

INTERNATIONAL SEISMOLOGICAL ASSOCIATION.

For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association, and the expenses of the United States delegate in attending the meetings of the commission, \$1,300.

The amendment was agreed to.

The Secretary continued the reading of the bill to page 20, line 16, the last paragraph read being as follows:

The judicial authority and jurisdiction in civil and criminal cases now vested in and reserved to the consul-general of the United States at Shanghai, China, by the act of June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," shall, subsequent to June 30, 1909, be vested in and exercised by a vice-consul-general of the United States to be designated from time to time by the Secretary of State, and the consul-general at Shanghai shall thereafter be relieved of his judicial functions.

Mr. BACON. Mr. President, I do not wish unduly to delay the bill, but this relates to a very important matter which is provided for in a general law which was considered with very great care, and an attempt to amend which was very persistently made during the last session of Congress. However, it did not meet with favor by the Committee on Foreign Relations. It is impossible for me to tell, without having the act before me, to what extent this amendment is vital. If I am not mistaken as to the law to which it refers, and if I am, of course I shall be glad to be corrected.

Mr. HALE. What is the Senator referring to?

Mr. BACON. I refer to the amendment on page 20, which has just been read by the Secretary.

Mr. HALE. There is no amendment of the committee on page 20.

Mr. BACON. It is no amendment by the Senate committee, but the provision comes from the House.

Mr. HALE. It is a provision in the bill as it came from the House.

Mr. BACON. We are interested in legislation which comes from the House, as well as in amendments offered by the Senate committee.

Mr. HALE. We could hardly call a clause in the bill, as passed by the House, an amendment. It is in the bill as it comes to us from the other House.

Mr. BACON. I did not mean to be understood that it is an amendment to the House bill. I am speaking of the provision as it is embodied in the House bill, which is an amendment to an existing law. That is what I refer to, and I say, if I am not mistaken in my understanding of it, and, in fact, I can not be, it is an amendment to the act creating a United States court

for China and prescribing the jurisdiction thereof, a most important piece of legislation.

I will say that the law which this provision seeks to amend is one which was most carefully considered by the Committee on Foreign Relations. It was committed to a subcommittee, of which Senator Spooner and myself were members. I think we were the only members of the committee, if I recollect aright, though I may be mistaken in that.

Mr. CULLOM. The Senator is right.

Mr. BACON. The matter was considered with the utmost care and deliberation for weeks, and upon the report made by the subcommittee the Committee on Foreign Relations recommended a favorable report to the Senate, and it was enacted into law. Ever since the passage of that act there has been a most active and persistent effort made to amend and change the provisions of the law. During the entire period of the last session of Congress there were persons here who were interested in it, making the most vigorous and persistent effort to have vital and important changes made in the provisions of the act. It was before the Committee on Foreign Relations, and the question of changing and amending the law was again most carefully considered. The Committee on Foreign Relations did not approve of it, and the Senate did not take any action in regard thereto.

Now, Mr. President, what could not be accomplished by direction in the way of repealing and amending the law is sought to be accomplished by a provision in this diplomatic and consular appropriation bill. I think it is a matter of too much importance to be decided in this way, without any opportunity to consider it.

Mr. HALE. Will the Senator yield to me?

Mr. BACON. Certainly.

Mr. HALE. I move to strike out the clause in the bill from line 7 to line 16, inclusive.

Mr. BACON. Very well; I am very much gratified that the Senator will do that. I wish to say further, in order that we may not be misunderstood, that if any change of the law is required, I shall be more than happy to cooperate in making proper changes, but I do not think a change ought to be made in this bill.

Mr. HALE. I think the Senator is right.

The VICE-PRESIDENT. The Senator from Maine moves an amendment, which will be stated.

The SECRETARY. It is proposed to strike out lines 7 to 16, inclusive, on page 20, in the following words:

The judicial authority and jurisdiction in civil and criminal cases now vested in and reserved to the consul-general of the United States at Shanghai, China, by the act of June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," shall, subsequent to June 30, 1909, be vested in and exercised by a vice-consul-general of the United States, to be designated from time to time by the Secretary of State, and the consul-general at Shanghai shall thereafter be relieved of his judicial functions.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the subhead "International commission on private and public international law," on page 22, line 12, after the word "the," to strike out "third international conference" and insert "Third International Conference;" in line 24, before the word "ten," to strike out "the sum of;" and on page 23, before the word "to," to strike out "is hereby appropriated out of any money in the Treasury not otherwise appropriated," so as to make the clause read:

For the payment of compensation to, and of the necessary expenses of, a commissioner to represent the United States in the international commission, which, in pursuance of the convention signed at the Third International Conference of American States, on August 23, 1906, approved by the Senate on February 3, 1908, and ratified by the President on February 8, 1908, is to meet at the city of Rio de Janeiro in May, 1909, for the purpose of preparing draft codes of private and public international law regulating the relations between the nations of America; and for the payment of the quota of the United States of the expenses incident to the preparation of the drafts, including the compensation of the experts provided for in article 4 of the said convention, \$10,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 23, after line 2, to insert:

THE HAGUE INTERNATIONAL CONGRESS.

For the participation by the United States in an international congress to be held at The Hague at such time as the Netherlands Government shall fix, for the purpose of promoting uniform legislation concerning letters of exchange, including compensation of and the actual and necessary traveling and subsistence expenses of an expert delegate and a secretary, \$9,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the subhead "International office of public health," on page 23, line 15, after the word "the," to strike out "international office of public health"

and insert "International Office of Public Health;" and in line 18, at the beginning of the line, to strike out "international sanitary convention" and insert "International Sanitary Convention," so as to make the clause read:

For the payment of the quota of the United States for the year 1909 toward the support of the International Office of Public Health, created by the international arrangement signed at Rome December 9, 1907, in pursuance of article 181 of the International Sanitary Convention signed at Paris on December 3, 1903, \$3,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to insert:

INTERNATIONAL COMMISSION FOR THE REVISION OF THE INTERNATIONAL CLASSIFICATION OF DISEASES AND CAUSES OF DEATH.

For the payment of the actual and necessary traveling expenses of delegates to represent the United States on the International Commission for the Revision of the International Classification of Diseases and Causes of Death, called by the Government of France to meet at Paris in 1910, \$6,000, or so much thereof as may be necessary; such delegates to be designated by the Secretary of State, one from the Medical Department of the Army, one from the Bureau of Medicine and Surgery of the Navy, one from the Bureau of Public Health and Marine-Hospital Service, one from the Census Office, and two additional delegates to be selected at large.

The amendment was agreed to.

The next amendment was, on page 24, after line 10, to insert:

PURCHASE OF PROPERTY FOR LEGATION PURPOSES AT TOKYO, JAPAN.

Purchase of residence erected by Mr. R. S. Miller, Japanese secretary to the embassy at Tokyo, at his own expense, on ground held by the United States in perpetual lease for legation purposes in Tokyo, \$3,267.

The amendment was agreed to.

The next amendment was, in Schedule B, under the subhead "Salaries, consular service," on page 24, line 25, after the word "six," to insert "and the act approved February 3, 1909, entitled 'An act to amend an act to provide for the reorganization of the consular service of the United States,'" so as to make the clause read:

For salaries of consul-general and consuls, as provided in the act approved May 11, 1908, entitled "An act to amend an act entitled 'An act to provide for the reorganization of the consular service of the United States,' approved April 5, 1906," and the act approved February 3, 1909, entitled "An act to amend an act to provide for the reorganization of the consular service of the United States," as follows: Consul-general, \$303,000; consuls, \$734,000; in all, \$1,037,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 5, to insert:

The President is hereby authorized to assign any regularly appointed consul of class 7 or 8 to service in the Department of State, without change of salary, for a period not to exceed two years in any one case and to a number not to exceed three consuls at any one time. In each case the consulate from which the transfer is made may be filled by another appointment at the same salary. To carry out this provision, \$9,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in Schedule C, under the subhead "Salaries of consular assistants," on page 25, after line 23, to strike out:

For 20 consular assistants as provided for by law, \$25,300; 10 additional consular assistants, subject to the same provisions of law as the above 20, \$10,000; total, \$35,300.

And to insert:

For 13 consular assistants as provided for by law, \$18,300; 7 additional consular assistants, subject to the same provisions of law as the above 13, \$7,000; total, \$25,300.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. LODGE. I offer an amendment to be inserted on page 24, after line 17.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 24, after line 17, it is proposed to insert:

For the purchase of building and grounds, or of a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy and for the residence of the ambassador at that capital, and for furnishing the same and, if necessary, otherwise adapting it to the needs of the service, \$400,000, or so much thereof as may be necessary.

Mr. HALE. I desire to move to lay the amendment on the table, but—

Mr. LODGE. I have the floor, I think.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. HALE. I do not propose to interfere with the Senator, but as soon as he is through I shall move to lay the amendment on the table.

Mr. LODGE. Mr. President, I do not desire to debate the amendment at any length, because it was thoroughly debated here last spring and was placed upon the public-buildings bill by a vote of the Senate. It has passed the Senate twice as a separate bill without dissent. The matter has been so thoroughly gone into that I have no desire to enter into any further discussion, but I shall be glad to have a vote upon it. If the Senator

from Maine moves to lay it on the table I shall ask for the yeas and nays.

Mr. HALE. I make that motion.

The VICE-PRESIDENT. The Senator from Maine moves to lay the amendment submitted by the Senator from Massachusetts on the table. On that question the Senator from Massachusetts demands the yeas and nays.

The yeas and nays were not ordered.

Mr. LODGE. I ask for a division.

There were, on a division—ayes 25, noes 11; no quorum voting.

Mr. LODGE. I ask again for the yeas and nays.

Mr. HALE. The feeling of the Senate is very plain. It will take less time to have the yeas and nays, although I am sorry to have a roll call.

The yeas and nays were ordered.

Mr. NELSON. Before the vote is taken I should like to have the amendment read again.

The VICE-PRESIDENT. The Secretary will again read the amendment proposed by the Senator from Massachusetts.

The Secretary again read Mr. LODGE's amendment.

Mr. BACON. I should like to ask the Senator from Massachusetts, before the vote is taken, if he will accept an amendment reducing the amount?

Mr. HALE. I think I must insist on my motion to lay the amendment on the table.

Mr. CLAY. I should be glad to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. CLAY. I ask the Senator if this amendment was before the Committee on Appropriations and unanimously reported against?

Mr. HALE. Of course it was.

Mr. CLARKE of Arkansas. Before the vote is taken, I ask the Chair to define to the Senate the question to be disposed of.

The VICE-PRESIDENT. The Senator from Massachusetts proposed an amendment, which was read, and the Senator from Maine has moved to lay that amendment on the table. The vote is being taken upon the motion of the Senator from Maine. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I dislike to interrupt the roll call, but I understand that to vote "yea" is to vote to lay the amendment on the table appropriating \$400,000.

The VICE-PRESIDENT. The Senator is correct in his understanding of the question.

Mr. DIXON. I vote "yea."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. BAILEY. I desire to say that my colleague [Mr. CULBERSON] is detained from the Senate on account of sickness. I am sure that if my colleague were here he would vote "yea," and I take the liberty of saying to the Senator from California that he can vote.

Mr. FLINT. On the statement of the junior Senator from Texas, I vote "yea."

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I transfer that pair to the senior Senator from Washington [Mr. ANKENY] and vote. I vote "yea."

The roll call was concluded.

Mr. BAILEY (after having voted in the affirmative). I observe in the recapitulation that the Senator from West Virginia [Mr. ELKINS] is not recorded. As I have a general pair with him I think it proper to withdraw my vote.

Mr. CULLOM (after having voted in the negative). I inquire if the junior Senator from Virginia [Mr. MARTIN] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. CULLOM. I withdraw my vote; I supposed that he was present when I voted.

The result was announced—yeas 47, nays 24, as follows:

YEAS—47.

Bankhead	Dolliver	La Follette	Piles
Borah	Flint	Long	Platt
Bourne	Foraker	McCumber	Rayner
Brown	Frazier	McLaurin	Richardson
Bulkeley	Fulton	Milton	Simmons
Burkett	Gary	Nelson	Smith, Md.
Burrows	Gore	Nixon	Smoot
Clapp	Hale	Overman	Stephenson
Clarke, Ark.	Hemenway	Page	Taylor
Clay	Heyburn	Paynter	Teller
Dick	Johnston	Penrose	Tillman
Dixon	Kittredge	Perkins	

NAYS—24.

Bacon	Depew	Guggenheim	Smith, Mich.
Beveridge	Dillingham	Kean	Stone
Brandegee	du Pont	Knox	Sutherland
Carter	Foster	Lodge	Warner
Clark, Wyo.	Frye	McCreary	Warren
Daniel	Gallinger	Money	Wetmore

NOT VOTING—21.

Aldrich	Culberson	Gamble	Owen
Ankeny	Cullom	Hansbrough	Scott
Bailey	Cummins	Hopkins	Taliaferro
Briggs	Curtis	McEnery	
Burnham	Davis	Martin	
Crane	Elkins	Newlands	

So Mr. LODGE's amendment was laid on the table.

Mr. BACON. Mr. President, in reference to the vote just taken, I desire, with the permission of the Senate, to say a word. I made the inquiry of the Senator from Maine [Mr. HALE] whether he would withhold his motion, or practically to that effect, if the amount were reduced. My purpose in so doing was to meet what I knew to be the objection of a number of Senators, not to the proposal to purchase or provide for an embassy in Paris, but to the amount involved. I thought that the former action of the Senate had indicated that the amount proposed in the amendment would not be acceptable to the Senate, and therefore I proposed myself to try to meet the views of Senators who had that objection; but the response of the Senator from Maine indicates that it would not be of avail to move an amendment proposing a smaller amount, so I shall not do so.

I simply desire to repeat what I have said on a former occasion, that under our present system, where we have no embassies, the appointment of ambassadors to great powers is practically limited to millionaires; and I desire that we shall make some provision for housing our ambassadors, so that men who are not millionaires may be eligible to such appointments.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following joint resolutions:

S. R. 76. Joint resolution relative to homestead designations, made and to be made, of members of the Osage tribe of Indians;

S. R. 88. Joint resolution to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota; and

S. R. 126. Joint resolution authorizing the Secretary of War to donate six condemned canon to the city of Cheyenne, Wyo.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 20111) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing.

The message further announced that the House had agreed to the concurrent resolution of the Senate (No. 98) requesting the President to return to the Senate the bill (S. 4024) for the relief of John H. Hamaker.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24835) authorizing the necessary resurvey of public lands, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MONDELL, Mr. VOLSTEAD, and Mr. ROBINSON, managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by Government of France;

S. 7829. An act to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882;

H. R. 26068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes; and

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district.

GOVERNMENT OF THE PHILIPPINES.

The VICE-PRESIDENT. Under House concurrent resolution No. 68, the Chair announces the cancellation of his signature to the enrolled bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act to temporarily provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the board of directors of the Bank of Brookston, Brookston, Ind., remonstrating against the passage of the so-called "postal savings banks" bill, which was ordered to lie on the table.

He also presented a petition of the Hungarian Club, of New York City, N. Y., praying for the enactment of legislation granting to the county of New York adequate and proper means and facilities for bestowing the rights and privileges of citizenship upon such of its foreign population as may apply therefor, which was referred to the Committee on Immigration.

He also presented a memorial of Typographical Union No. 258, of Easton, Pa., remonstrating against the printing in connection with the Census Office being given to private concerns, which was referred to the Committee on the Census.

Mr. CULLOM presented a petition of sundry citizens of Chicago, Ill., and a petition of the Atlantis Club, of Quincy, Ill., praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented a memorial of the Trades Council of Elgin, Ill., remonstrating against the decision of the judge of the supreme court of the District of Columbia in imposing a jail sentence on Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

He also presented a petition of the City Club, of Chicago, Ill., praying for the enactment of legislation providing for the appointment of clerks in the Census Office by competitive examination, which was referred to the Committee on the Census.

He also presented petitions of Local Lodge No. 746, of Alton; of Local Lodge No. 493, of Centralia; of Local Lodge No. 617, of Freeport; of Local Lodge No. 991, of Urbana; of Local Lodge No. 588, of Ottawa; of Local Lodge No. 20, of Peoria; of Local Lodge No. 1019, of Pontiac; and of Local Lodge No. 654, of Litchfield, all of the Benevolent and Protective Order of Elks, in the State of Illinois, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PLATT presented the petition of F. B. Brewer, of Westfield, N. Y., and a petition of sundry citizens of Hoosick Falls, N. Y., praying for the passage of the so-called "Burkett-Foelker antigambling race bill," which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Irvington Presbyterian Church, of Irvington, N. Y., praying for the passage of the so-called "children's bureau bill," which was ordered to lie on the table.

He also presented petitions of Local Grange No. 90, Patrons of Husbandry; of Local Lodge No. 493, Independent Order of Good Templars; and of the Woman's Christian Temperance Union, all of Copenhagen, in the State of New York, praying for the enactment of legislation to regulate the sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of Local Lodge No. 707, of Yonkers; of Local Lodge No. 496, of Watertown; and of Local Lodge No. 346, of Niagara Falls, all of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BROWN presented a petition of Local Lodge No. 39, Benevolent and Protective Order of Elks, of Omaha, Nebr., and a petition of Local Lodge No. 653, Benevolent and Protective Order of Elks, of Norfolk, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. LODGE presented petitions of Local Lodge No. 487, of North Adams; of Local Lodge No. 65, of Lawrence; of Local Lodge No. 892, of Gloucester; of Local Lodge No. 73, of New Bedford; of Local Lodge No. 839, of Cambridge; and of Local Lodge No. 1014, of Attleboro, all of the Benevolent and Pro-

tective Order of Elks, in the State of Massachusetts, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BULKELEY presented petitions of Local Lodge No. 19, Benevolent and Protective Order of Elks, of Hartford, Conn., and of Local Lodge No. 771, Benevolent and Protective Order of Elks, of Middletown, Conn., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Grange No. 91, Patrons of Husbandry, of Seymour, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MARTIN presented sundry papers to accompany the bill (S. 9098) for the relief of James B. Clift, administrator of the estate of John Clift, deceased, of Stafford County, Va., which were referred to the Committee on Claims.

Mr. DEPEW presented petitions of Local Lodge No. 271, of Oswego; of Local Lodge No. 707, of Yonkers; of Local Lodge No. 101, of Amsterdam; and of Local Lodge No. 596, of Watertown, all of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Christian Temperance Union of Katonah, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors and to prohibit the sale and importation of opium into the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 90, Patrons of Husbandry, of Copenhagen, N. Y., praying for the enactment of legislation to regulate the sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the New York Board of Trade and Transportation Company of New York City, N. Y., praying that an appropriation be made for the improvement of the waterways of the country, which was referred to the Committee on Commerce.

He also presented a petition of the New York Board of Trade and Transportation Company of New York City, N. Y., praying that an appropriation of \$200,000 be made to enable the United States Government to participate in the Universal and International Exhibition to be held at Brussels, Belgium, in 1910, which was referred to the Committee on Appropriations.

He also presented a memorial of the memorial and executive committee, Department of New York, Grand Army of the Republic, of Brooklyn, N. Y., remonstrating against the enactment of legislation placing in the National Cemetery at Arlington, Va., monuments with inscriptions and style tending to reassert and uphold to posterity attempts at state secession, which was referred to the Committee on Military Affairs.

He also presented a petition of the Parish Club of the Church of the Ascension, of Mount Vernon, N. Y., praying for the passage of the so-called "National children's bureau" bill, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Richmond County, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a memorial of Waterburg Grange, No. 429, Patrons of Husbandry, of Trumansburg, N. Y., remonstrating against the repeal of the duty on farm products, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the passage of the so-called "postal savings banks" bill, which was ordered to lie on the table.

Mr. BOURNE presented a petition of Local Lodge No. 358, Benevolent and Protective Order of Elks, of Heppner, Oreg., and a petition of Local Lodge No. 142, Benevolent and Protective Order of Elks, of Portland, Oreg., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DICK presented petitions of sundry citizens of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Columbus, Port Clinton, Ashland, Lima, Franklin, Marion, Delaware, Wellston, Cambridge, Ironton, Canton, Middletown, New Philadelphia, and Tiffin, all in the State of Ohio, praying for the enactment of legislation providing that no lower duty be placed on a square yard of oilcloth and linoleum of the highest price than is imposed on a square yard of the least cost, which were referred to the Committee on Finance.

He also presented memorials of sundry business firms and associations of Northern, Coshocton, Lima, Alliance, Dayton, Blanchester, Wooster, Salem, Lewisburg, Mansfield, Cincinnati, Marion, and Ironton, all in the State of Ohio, remonstrating against the passage of the so-called "postal savings banks bills," which were ordered to lie on the table.

He also presented a petition of the Utah Mine Operators' Association, of Salt Lake City, Utah, praying for the enactment of legislation to establish a bureau of mines, which was ordered to lie on the table.

Mr. KNOX presented petitions of D. G. Swart & Geidel; Goorin, Shapira & Co.; J. N. Wolk & Co.; W. J. Gilmore Drug Company; Haworth & Dewhurst (Limited); Doubleday-Hill Electric Company; Arbutnot-Stephenson Company; Globe Varnish Company; Standard Manufacturing Company; Standard Talking Machine Company; American Lumber and Manufacturing Company; Bennett, Hollander & Lewis; James C. Lindsay Hardware Company; The Frederick Elder Company; Zeugschmidt Cigar Company; Crutchfield & Woolfolk; Logan Gregg Hardware Company; Rea & Co.; The First National Bank of Pittsburgh; Lockhart Iron and Steel Company; The Bradstreet Company; Iron City Electric Company; Pittsburgh Supply Company; Ward-Mackey Company; Iron City Produce Company; Pittsburgh Physicians' Supply Company; Waverly Oil Works Company; Latshaw-Feerst Company; James H. Matthews & Co.; Lutz & Schramm Company; Pennsylvania Chocolate Company; Brown & Zortman Machinery Company; W. E. Osborn Company; Nathan Stein & Co.; Brindley Hardware and Manufacturing Company; T. H. Nevin Company; The Ashford Company; Pittsburgh Lamp, Brass and Glass Company; Joseph Woodwell Company; John C. Bragdon, all of Pittsburgh; Thompson & Co., of Allegheny; Globe Glue Company, of Allegheny; The Non-Retailing Company, of Lancaster; Folwell Brother & Co., of Philadelphia; Sweeten-Crossan Electric Company, of Philadelphia; The Ryan-Correll Company, of Johnstown; The Love and Sunshine Company, of Johnstown; Reid Tobacco Company, of Milton, all in the State of Pennsylvania; A. Keifer Drug Company, of Indianapolis, Ind.; The Milwaukee Association of Credit Men, of Milwaukee, Wis.; The Embalmers' Supply Company, of Westford, Conn.; Hawes Von Gal (Incorporated), of Danbury, Conn.; Paxton & Gallagher Company, of Omaha, Nebr.; Pierce, Butler & Pierce Manufacturing Company; Syracuse Chilled Plow Company; H. R. Olmsted & Son, all of Syracuse; Sibley, Linday & Curr Company, of Rochester, all in the State of New York; Stein Wholesale Dry Goods Company; Reynolds, Davis & Co.; Woods Manufacturing Company; Atkinson-Williams Hardware Company, all of Fort Smith, in the State of Arkansas; National Association of Credit Men, of New York City; Syracuse Rubber Company, of Syracuse; Rochester Boot and Shoe Manufacturing Company; Clothiers' Exchange of Rochester; Lewis P. Ross, of Rochester, all in the State of New York; The Denver Credit Men's Association, of Denver, Colo.; Marion Rubber Company, of Marion, Ind.; Grand Rapids Credit Men's Association, of Grand Rapids, Mich.; Winston, Harper, Fisher Company; Salisbury & Satterlee Company, of Minneapolis, Minn.; Juvenile Protective Society of Virginia, of Richmond, Va.; Blackman & Griffith Company, of Ogden, Utah; Des Moines Credit Men's Association, of Des Moines, Iowa; Fish Brothers Manufacturing Company, of Clinton, Iowa; Pittsburgh Metal Bed Company, of Pittsburgh, Pa.; 7 citizens of Chicago, Ill.; 16 citizens of Pittsburgh, Pa.; 23 citizens of Philadelphia, Pa.; Illinois Steel Company; Carter & Holmes; Excelsior Supply Company; John V. Farwell Company; Burley & Tyrrell Company; Electric Appliance Company; Bradner Smith & Co.; and Staver Carriage Company, all of Chicago, in the State of Illinois; and W. R. Ostrander & Co.; Aitken, Son & Co.; National Association of Creditmen; and Standard Varnish Works, all of New York, in the State of New York, praying for the adoption of certain amendments to the present bankruptcy law, which were referred to the Committee on the Judiciary.

Mr. KEAN presented a petition of Haddon Grange, No. 38, Patrons of Husbandry, of Haddonfield, N. J., praying for the

passage of the so-called "postal savings banks" bill, which was ordered to lie on the table.

He also presented petitions of Local Lodge No. 276, of Atlantic City; of Local Lodge No. 289, of Elizabeth; of Local Lodge No. 735, of Bridgeton; of Local Lodge No. 128, of Asbury Park; of Local Lodge No. 293, of Camden; and of Local Lodge No. 580, of Millville, all of the Benevolent and Protective Order of Elks, in the State of New Jersey, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DOLLIVER presented memorials of sundry citizens of Lehigh, Fort Dodge, Webster City, Woodstock, Dayton, Alden, Sherwood, Humboldt, Badger, Clarion, Eagle Grove, and Rutland, all in the State of Iowa, remonstrating against the imposition of any duty on tea or coffee, which were referred to the Committee on Finance.

He also presented petitions of Local Lodge No. 251, of Cedar Rapids; of Local Lodge No. 199, of Clinton; and of Local Lodge No. 374, of Fort Madison, all of the Benevolent and Protective Order of Elks, in the State of Iowa, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 27469) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1064) thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 27049) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1063) thereon.

Mr. McCREARY, from the Committee on Pensions, to whom was referred the bill (H. R. 27249) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1065) thereon.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (H. R. 28046) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it without amendment and submitted a report (No. 1066) thereon.

Mr. TAYLOR, from the Committee on Pensions, to whom was referred the bill (H. R. 27974) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1067) thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (H. R. 24327) to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880, reported it without amendment.

Mr. MARTIN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 16696) for the relief of the estate of Peter McEnery, deceased; and

A bill (H. R. 1622) for the relief of the estate of William J. Cussen.

Mr. GUGGENHEIM, from the Committee on Claims, to whom was referred the bill (H. R. 2911) for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by U. S. dredge *Cumberland*, reported it without amendment.

Mr. PAYNTER, from the Committee on Claims, to whom was referred the bill (H. R. 9755) for the relief of Charles Lennig & Co., reported it without amendment and submitted a report (No. 1069) thereon.

Mr. BORAH, from the Committee on Claims, to whom was referred the bill (H. R. 13928) for the relief of P. H. McDonough, of Bardstown, Ky., reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. TALLAFERRO on

the 22d instant, proposing to appropriate \$250,000 for one steam revenue cutter of the first class for service in the waters of Key West, Fla., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

JUDICIAL DISTRICTS IN IDAHO AND WYOMING.

Mr. FULTON. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 8446) to create an additional division in the judicial district of the State of Idaho, to report it with an amendment, and I submit a report (No. 1068) thereon. I call the attention of the Senator from Idaho to this bill.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 3 of an act to amend an act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming, approved July 5, 1892, as amended by the amendatory act approved November 3, 1893, be amended so as to read as follows:

"Sec. 3. That for the purpose of holding terms of the district court said district shall be divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The counties of Shoshone, Kootenai, and Bonner, including any and all Indian reservations in one or more of said counties, shall constitute the northern division, the court for which shall be held at Coeur d'Alene city, in the county of Kootenai. The counties of Latah, Nez Perce, and Idaho, including any and all Indian reservations in one or more of said counties, shall constitute the central division, the court for which shall be held in the town of Moscow, in Latah County. The territory composing the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington, including any and all Indian reservations within the said territory, shall constitute the southern division, the court for which shall be held in Boise, situated in said Ada County. The territory composing the counties of Bingham, Bear Lake, Custer, Fremont, Bannock, Lemhi, and Oneida, including any and all Indian reservations within such territory, shall constitute the eastern division, the court for which shall be held at the town of Pocatello.

"That any new county created out of any such territory shall remain a part of the division out of which it, or a larger portion thereof, shall be created; but if a portion of a county of one division shall be attached to a county of another division, it shall become a part of the latter division."

Sec. 2. That section 6 of said act approved June 1, 1898, be amended to read as follows:

"Sec. 6. That the terms of the district court for the district of the State of Idaho shall be held at Coeur d'Alene City, beginning on the third Monday of April and the third Monday of July in each and every year; at the town of Moscow, beginning on the second Monday of May and the first Monday of November of each and every year; at Boise City, beginning on the second Monday of February and the second Monday of September of each and every year; at Pocatello, beginning on the second Monday of March and the second Monday of October of each and every year, and the provision of any statute now existing, providing for the holding of state courts on any day contrary to said act, is hereby repealed, and all suits, prosecutions, process, recognizance, bail bonds, and other things pending in or returnable to said court are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act, provided in the same manner and with the same effect as they would have had had said existing statute not been repealed.

"Sec. —. That the clerk of the district and circuit courts for the district of Idaho and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts of said several divisions of said judicial district. Whenever in the judgment of the district and circuit judges the business of said courts hereafter shall warrant the employment of a deputy clerk at Coeur d'Alene City, new books and records may be opened for the said court and a deputy clerk appointed to reside and keep his office at Coeur d'Alene City."

Sec. 3. That section 3 of said act be amended so as to read as follows:

"Sec. 3. That this act shall take effect from and after its approval."

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair, under the unanimous-consent agreement of February 2, lays before the Senate Senate bill 5729, the title of which will be stated.

The SECRETARY. A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. GALLINGER. I ask that the unanimous-consent agreement may be read for the information of the Senate.

The VICE-PRESIDENT. The Secretary will read the unanimous-consent agreement.

The Secretary read as follows:

It is agreed, by unanimous consent, that on Tuesday, February 23, 1909, at 1 o'clock p. m., the Senate will proceed to the consideration of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to

Companies B, C, and D of the Twenty-fifth U. S. Infantry, etc., debate to proceed under the ten-minute rule, and that at 4 o'clock on the said day a vote will be taken upon the bill and amendments that may be pending or that may be offered; the same not to displace the unfinished business, S. 6484. (February 2, 1909.)

Mr. FORAKER. Mr. President, unless some Senator desires to address the Senate on this bill, I ask that it may be temporarily laid aside, to be taken up whenever any Senator may desire to speak, or when the hour of 4 o'clock shall have been reached, that being the hour fixed for taking a vote on it. In other words, I do not care to speak further on the bill unless some Senator, by some remarks he may make, may cause me to think I should do so.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. FORAKER. Certainly.

Mr. WARREN. I ask, what was the request of the Senator from Ohio? He would expect, of course, to have time to answer any speeches that may be made, providing they shall be interposed between now and 4 o'clock.

Mr. FORAKER. Yes; to answer, so far as I may, under the rule.

Mr. WARREN. I hope the Senate has taken notice of the fact that we may either proceed with the Brownsville bill or go on with other business.

Mr. HEYBURN. I ask unanimous consent—

The VICE-PRESIDENT. The Senator from Ohio has asked that the bill before the Senate be temporarily laid aside, its consideration to be resumed whenever any Senator desires to speak upon it, and at 4 o'clock, if no Senator desires to speak previous to that time—

Mr. DANIEL. Mr. President—

Mr. FORAKER. At that time, of course, we take the vote.

Mr. HEYBURN. I ask unanimous consent to resume the consideration of the bill which was being read—

The VICE-PRESIDENT. The Chair recognizes the Senator from Idaho to ask for the consideration of the bill that was interrupted at 1 o'clock.

Mr. DANIEL. I want to say a word about the pending matter.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. DANIEL. I did not rise to make a speech upon this subject, but I wish to make a few remarks.

The VICE-PRESIDENT. The Senator from Virginia will suspend until the Senate is in order. There is too much audible conversation in the Chamber.

Mr. DANIEL. I had supposed that the Senator—

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia rise to discuss—

Mr. DANIEL. The pending matter.

The VICE-PRESIDENT (continuing). The pending matter?

JUDICIAL DISTRICTS IN IDAHO AND WYOMING.

Mr. HEYBURN. I ask unanimous consent—it will not interfere with the pending matter—that the reading and consideration of the bill which was under consideration when the hour of 1 o'clock arrived be finished. It will take but a minute. Otherwise, the bill will be left suspended.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. TILLMAN. What is the bill?

Mr. HEYBURN. It is to provide a place for holding court in Idaho.

The VICE-PRESIDENT. Is there objection to the resumption of the consideration of the bill referred to by the Senator from Idaho?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8446) to provide an additional district in the judicial district of the State of Idaho.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on the Judiciary, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill amending an act entitled 'An act to amend an act to provide the time and places for holding terms of the United States court in the States of Idaho and Wyoming,' approved June 1, 1898."

REPORT OF JAMESTOWN TERCENTENNIAL COMMISSION.

Mr. PLATT, from the Committee on Printing, to whom was referred the message of the President of the United States, transmitting the final report of the Jamestown Tercentennial Commission, etc. (S. Doc. No. 735), reported the following resolution (S. Res. 295), which was considered by unanimous consent and agreed to:

Resolved, That the final report of the Jamestown Tercentennial Commission, embodying the reports of various officers of the Jamestown Exposition, held at Norfolk, Va., in 1907, with accompanying illustrations, be printed as a document.

CUSTOMS TARIFFS.

Mr. PLATT, from the Committee on Printing, reported the following concurrent resolution (S. C. Res. 102), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 additional copies of Senate Document 547, Sixtieth Congress, second session, relating to customs tariffs and consisting of Senate and House reports of 1888, 1890, 1894, and 1897; 5,000 for the use of the Senate and 10,000 copies for the use of the House of Representatives.

JAMESTOWN TERCENTENNIAL COMMISSION.

Mr. PLATT, from the Committee on Printing, reported the following concurrent resolution (S. C. Res. 103), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 1,500 additional copies of the final report of the Jamestown Tercentennial Commission, embodying the reports of the various officers of the Jamestown Exposition, held in Norfolk, Va., in 1907, with accompanying illustrations; 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives.

ORDINANCE OF SECESSION OF LOUISIANA.

Mr. FOSTER submitted the following concurrent resolution (S. C. Res. 104), which was referred to the Committee on Military Affairs:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, and that is now in possession of the War Department.

BILLS INTRODUCED.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9450) for the relief of C. W. Woolfolk, administrator of John M. Goodwin, deceased (with accompanying papers); and

A bill (S. 9451) for the relief of the trustees of White Oak Church, of Dinwiddie County, Va.

Mr. CULLOM introduced a bill (S. 9452) granting a pension to Harry Schwartz, which was read twice by its title and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 9453) for the relief of the heirs of A. Cohn, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate \$4,000 for preparing a digest of the precedents and decisions of points of order in the parliamentary practice of the Senate, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Rules.

Mr. CULLOM submitted an amendment proposing to appropriate \$16,033.72 to pay the Potomac Electric Power Company for furnishing electric current for the Senate Office Building, etc., intended to be proposed by him to the general deficiency bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to increase the appropriation for the improvement of Lock and Dam No. 37, Ohio River, from \$150,000 to \$380,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WETMORE submitted an amendment providing for the improvement of Newport Harbor, Rhode Island, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the improvement of Point Judith Pond, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BULKELEY submitted an amendment providing for the improvement of the Connecticut River up to the city of Hart-

ford, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to strike out the words "and the development of water power in connection with the improvement of the Connecticut River from Hartford, Conn., to Holyoke, Mass.," intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BAILEY submitted an amendment providing for the improvement of the navigable capacity of Sabine and Neches rivers and of the channel connecting the Sabine and Neches rivers with the mouth of Taylors Bayou, in the State of Texas, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate \$120,000 in full of all debts, claims, or demands on the part of the State of Virginia or of her assignee arising out of the act of the general assembly of Virginia of December 27, 1790, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DIXON submitted an amendment proposing to appropriate \$3,000 for fencing the national bison range, intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

POSTAL SAVINGS BANKS.

Mr. CUMMINS submitted two amendments intended to be proposed by him to the bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes, which were ordered to lie on the table and be printed.

PUBLIC-BUILDING ACTS.

Mr. GORE submitted an amendment intended to be proposed by him to the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

WITHDRAWAL OF PAPERS—DAVID K. MITCHELL.

On motion of Mr. FORAKER, it was

Ordered, That there may be withdrawn from the files of the Senate all papers relative to the bill (S. 7559, 60th Cong., 2d sess.) granting an increase of pension to David K. Mitchell, there having been no adverse report on said bill.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 19, 1909:

S. 6155. An act to provide for an enlarged homestead.

On February 20, 1909:

S. 8048. An act to withdraw from settlement and entry certain lands in the State of California.

On February 23, 1909:

S. 8708. An act authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. DANIEL. Mr. President, the pending bill contains two sections. The first is one ordering a court of inquiry—

To hear and report upon all charges and testimony relating to the shooting affray which took place at Brownsville, Tex., on the night of August 13-14, 1906.

It requires the court of inquiry to consist of five officers, none of them to be under the rank of colonel, and then provides that—

Said court shall, within one year from the date of its appointment, make a final report, and from time to time shall make partial reports, to the Secretary of War of the results of such inquiry, and such soldiers and noncommissioned officers of Companies B, C, and D, of the Twenty-fifth Regiment U. S. Infantry, who were discharged from the military service as members of said regiment, under the provisions of Special Orders, No. 266, dated at the War Department the 9th day of

November, 1906, as said court shall find and report as qualified for reenlistment in the Army of the United States shall thereby become eligible for reenlistment.

I do not know that there is any substantial objection to this section, but I call attention to it as it is the prefix of section second. About the matter, this observation seems to be pertinent, as there is a great deal of misunderstanding in the country with respect to the status of the soldiers discharged. There are three kinds of discharge from the Army of the United States. One is with honor, another is with dishonor, and between the two there is a neutral discharge known in the British army as "a bob-tail discharge," and by the expression commonly quoted in this country as "a discharge without honor"—that is to say, a colorless discharge, imposing no penalty upon the soldier, but simply dispensing with his service.

Such discharges are not rare. I am told that during the Spanish war the services of many enlisted men were simply dispensed with and their names stricken from the rolls because they were not wanted. They were ne'er-do-wells. They were not satisfactory, and, without being blasted with the stigma of dishonor or commended by the title of honor, they were simply eliminated from the service of the United States. That is the case with respect to the soldiers discharged on account of the disturbance at Brownsville. That discharge does not attach conviction of guilt to anyone, neither does it acquit them with honor. It arose from the fact that being under obligation as soldiers, they fell under circumstances of suspicion by reason of the fact that it was known, by the testimony of eyewitnesses and by complete circumstantial evidence, that some of them were guilty, although the identical people could not be marked out and named.

As to all of these soldiers, it is not only proposed to have this court of inquiry, and that those who may pass through that inquiry acceptably may be reenlisted, but section 2 provides:

SEC. 2. That any noncommissioned officer or private who shall be made eligible for reenlistment under the provisions of the preceding section shall, if reenlisted, be considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited, and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive according to his rank from said date of discharge as if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

It seems to me, Mr. President, that section 2 is objectionable. There is no doubt of one fact, and that is that these men were legally discharged after most careful consideration of the case in which they were involved. There is no doubt about the fact that examination and reexamination was made, and that the view taken by those who had the best opportunity to know and to investigate the affair was finally confirmed.

It may be that an unfortunate case may arise amongst these soldiers; it may be that a number of them were totally innocent, but they are so involved in the cloud and doubt that arises with respect to them that it is not a case for the equitable intervention of Congress to pay them while they were out of the service all the pay and allowances that a true and good soldier has assured to him while in it. For that reason I move to strike out section 2.

The VICE-PRESIDENT. The Senator from Virginia moves to strike out the second section of the bill.

Mr. FORAKER. I move that the amendment proposed by the Senator from Virginia be laid on the table.

Mr. ALDRICH. Let the amendment be stated.

The VICE-PRESIDENT. The Senator from Virginia moves to strike out the second section of the bill, which the Secretary will read.

The Secretary read as follows:

SEC. 2. That any noncommissioned officer or private who shall be made eligible for reenlistment under the provisions of the preceding section shall, if reenlisted, be considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited, and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive according to his rank from said date of discharge as if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

Mr. ALDRICH. I suggest that, under the unanimous-consent agreement—

Mr. FORAKER. I was about to say that I made the motion I did without having the unanimous-consent agreement in mind. Under the agreement, I suppose the amendment will have to go over until 4 o'clock, to be then voted on. So I withdraw the motion.

The VICE-PRESIDENT. The amendment proposed by the Senator from Virginia will be regarded as pending, to be considered when the hour of 4 o'clock is reached.

Mr. du PONT. I should like to hear the amendment stated again.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. It is proposed to strike out section 2.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I ask the Senate to proceed to the consideration of the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with, and that the bill be read for amendment.

The VICE-PRESIDENT. Without objection, it is so ordered.

The Secretary read the bill.

Mr. FLINT. I offer the amendment I send to the desk.

The SECRETARY. On page 2, line 20, strike out the words "two hundred and fifty" and insert "four hundred," so as to read:

For the procurement or reclamation of land, or right pertaining thereto, needed for site, location, construction, or prosecution of works for fortifications and coast defenses, \$400,000.

Mr. PERKINS. Mr. President, when the bill was before the committee there was nothing before it on this subject except the report of the special board. Therefore the committee failed to give it particular consideration, believing that the \$250,000 proposed to be appropriated by the House of Representatives was sufficient. That amounts to about \$1,470 per acre for 170 acres. Since then my colleague appeared before the general committee, and the general committee authorized the Senator in charge of the bill to accept the increase.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Massachusetts?

Mr. PERKINS. Certainly.

Mr. LODGE. I should like to ask the Senator a question. This is to buy certain land?

Mr. PERKINS. It is to purchase about 170 acres of land in Los Angeles County, at the port called San Pedro, and at the price of \$250,000 it would be about \$1,470 an acre. The amendment proposes to increase it to \$400,000, which would be \$2,354 an acre. I know nothing myself of the value of the land, but my colleague is a resident of Los Angeles, and is quite familiar with it. An estimate has already been made by the Secretary of War.

Mr. FLINT. Mr. President, at the last session of Congress a provision was included in the fortifications bill for the appointment of a commission to make an investigation as to the necessity and advisability of fortifying the port of San Pedro, which is the port for the city of Los Angeles. A commission was appointed by the War Department, which visited the place and made a full report. They have conferred with the commercial bodies in that locality, and it is only by the assistance and cooperation of the commercial bodies that the land can now be acquired for this price. The War Department has recommended the appropriation of \$400,000 to purchase this land. The commission which was appointed to investigate the matter recommended that Congress appropriate \$500,000, but the War Department reduced this to \$400,000. It is idle to appropriate \$250,000 when the recommendation is for \$400,000. If this amount should not be appropriated it will be idle to make any appropriation.

Mr. LODGE. I know very little about the details of this matter, except that \$2,350 an acre for land for fortifications, 170 acres, seems a large price. I have been told that land there within a few years sold for \$5 to \$10 an acre.

Mr. FLINT. I should like to ask the Senator who told him that.

Mr. LODGE. I was told that in private conversation.

Mr. FLINT. I should like to know who made such a statement, because I am familiar with the price of this land. It is near a city—the city of San Pedro—and, as a matter of fact, if we do not buy the land now it will not be possible to acquire the land necessary for this work; it will all be covered up with homes which will be built there, and the Government will have to pay a far greater price than it is now asked. It is only by making the appropriation at this time that we can have the fortifications at that point.

Mr. LODGE. I, of course, know nothing about what the land is worth.

Mr. FLINT. This is an important matter to southern California. The board was appointed and made a report, and if the members of the Appropriations Committee will read the report they will see that the board considers it of the greatest neces-

sity to fortify this place at this time. To permit this matter to go by and not make the appropriation that the commercial bodies and the commission have recommended, as I said before, will be a great mistake.

Mr. PERKINS. I will state to the Senator from Massachusetts that the special report recommends:

It is recommended that only so much of the funds needed to provide for the protection of San Pedro Harbor, Cal., as is required for the purchase of the land, namely, \$400,000, be appropriated at the present session of Congress.

My colleague appeared before the full committee and they authorized me to accept the amendment proposed by him, \$150,000 in addition to the \$250,000, making it \$400,000.

Mr. GALLINGER. Mr. President, the Senator from California ought in justice to the committee to say there was a divided opinion, if he is to quote what the committee did. There was no evidence presented to the committee that this is a fair price for the land. Even the report of the commission, if there was one, was not laid before the committee when I was present. I thought it was an exorbitant price, and I am inclined to think now it is an exorbitant price. It seems to me that \$2,100 or \$2,200 an acre for land for a fort is a very exorbitant value, and unless there is some overwhelming reason why we should appropriate \$400,000 for this purpose, I certainly shall feel impelled to vote against the amendment.

Mr. KEAN. This is for land alone?

Mr. GALLINGER. It is for land alone.

Mr. FLINT. There is a very important reason why this land should be purchased. The city of San Pedro will extend to this very land unless we acquire it at this time. The commission has carefully investigated the matter and made a report to Congress, the report being dated November 9, 1908, and yet it is proposed, notwithstanding that the commission ask for \$400,000, to appropriate only \$250,000. I do not know whence the statement comes, and I should like to know who makes it, that the land can be purchased for anything like the price which has been named by the Senator from Massachusetts. The city is extending right up on this point.

Mr. LODGE. I should like to ask at what price land there has been actually sold?

Mr. FLINT. I do not know anything about that. I do know that a railroad has been built out there. If the land was about Boston, would \$2,000 an acre be too high a price? There is a city growing up there.

Mr. LODGE. I do not know how large the city is.

Mr. FLINT. It is a small city.

Mr. LODGE. I asked what land was selling for in that neighborhood, and the Senator said he does not know. Now, I ask him what is the assessed valuation of the land?

Mr. FLINT. The Senator asked me the value of the land. I do not know. I am simply relying on the value placed on it by the commercial bodies of Los Angeles. If the price is too high, the land can be condemned. It is only, as I have said to the Senator from Massachusetts, by reason of the fact that the commercial bodies there have taken an interest in the matter that we can obtain the land at the present time for this price.

Mr. LODGE. Mr. President, I think there ought to be proper fortifications there, and I heartily favor them, and shall vote for them. I think there ought to be proper fortifications for a city like Los Angeles. It is a great and growing city, and this is its port, and it ought to be thoroughly fortified. I have no objection in the world to that, but the House put in a provision for \$250,000, which is \$1,400 an acre. We are buying a large tract—170 acres of land—and if the Government can not get it for \$250,000, it can institute condemnation proceedings. But we have heard this morning of the necessity of saving money and the condition of the revenue. We have just voted down a measure that has passed the Senate twice, and it was voted down by the Senate on that ground. I see the force of it. Now, we are asked to add \$150,000 to the House appropriation and pay \$2,300 an acre for land. If we appropriate \$250,000 and the land can not be bought for that sum, condemnation proceedings can be instituted. It is a bad time to add to the appropriations.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from California. [Putting the question.] By the sound, the "noes" have it.

Mr. FLINT. A division!

Mr. GALLINGER. Manifestly the yeas and nays will be required if the Senator insists on his amendment, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TILLMAN. A parliamentary inquiry, Mr. President. What is the question?

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from California [Mr. FLINT].

Mr. TILLMAN. Increasing the appropriation from \$250,000 to \$400,000?

The VICE-PRESIDENT. Yes.

Mr. TILLMAN. A vote in the affirmative means \$400,000?

The VICE-PRESIDENT. Yes.

The Secretary proceeded to call the roll.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], which I transfer to the senior Senator from Washington [Mr. ANKENY], and vote. I vote "yea."

Mr. GAMBLE (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. He being absent, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. If he were present, I should vote "nay."

Mr. STONE (when his name was called). I inquire whether the senior Senator from Wyoming [Mr. CLARK] has voted?

The VICE-PRESIDENT. He has not.

Mr. STONE. I have a general pair with that Senator, and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

The roll call was concluded.

Mr. FOSTER. May I inquire if the senior Senator from North Dakota [Mr. HANSBROUGH] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. FOSTER. I withhold my vote, having a pair with him. The result was announced—yeas 26, nays 26, as follows:

YEAS—26.

Beveridge	Cullom	Fulton	Piles
Brandegee	Dick	Hemenway	Richardson
Brown	Dixon	Heyburn	Smoot
Bulkeley	Dolliver	Nelson	Taylor
Burkett	Flint	Nixon	Teller
Carter	Foraker	Paynter	
Clay	Frye	Perkins	

NAYS—26.

Bacon	Gallinger	McCreary	Platt
Bankhead	Hale	McCumber	Stephenson
Borah	Johnston	McLaurin	Warner
Burrows	Kean	Money	Warren
du Pont	Kittredge	Overman	Wetmore
Clarke, Ark.	La Follette	Page	
Frazier	Lodge	Penrose	

NOT VOTING—40.

Aldrich	Cummins	Gore	Owen
Ankeny	Curtis	Guggenheim	Rayner
Bailey	Daniel	Hansbrough	Scott
Bourne	Davis	Hopkins	Simmons
Briggs	Depew	Knox	Smith, Md.
Burnham	Dillingham	Long	Smith, Mich.
Clapp	Elkins	McEnery	Stone
Clark, Wyo.	Foster	Martin	Sutherland
Crane	Gamble	Milton	Taliaferro
Culberson	Gary	Newlands	Tillman

The VICE-PRESIDENT. The amendment fails for want of an affirmative vote.

Mr. FLINT. I desire to reserve the amendment for consideration in the Senate.

The VICE-PRESIDENT. The amendment failed as in Committee of the Whole. The Senator can offer the amendment in the Senate when the bill reaches the Senate. If there are no further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. FLINT. I offer the amendment which I sent to the desk a few moments ago.

The VICE-PRESIDENT. The Senator from California proposes an amendment, which will be read.

The SECRETARY. On page 2, line 21, before the word "thousand" strike out "two hundred and fifty" and insert "four hundred," so as to read:

For the procurement or reclamation of land, or right pertaining thereto, needed for site, location, construction, or prosecution of works for fortifications and coast defenses, \$400,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. McENERY]. I will withhold my vote until he returns.

Mr. FULTON (when his name was called). I again announce my general pair with the junior Senator from Arkansas [Mr.

DAVIS] and the transfer of my pair to the senior Senator from Washington [Mr. ANKENY]. I vote "yea."

Mr. GAMBLE (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. I transfer that pair to the junior Senator from Illinois [Mr. HOPKINS], and vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I note the absence of the Senator from South Carolina [Mr. TILMAN], with whom I have a general pair. If he were present I should vote "nay."

The result was announced—yeas 32, nays 27, as follows:

YEAS—32.

Beveridge	Cullom	Gamble	Piles
Brandagee	Dick	Guggenheim	Rayner
Brown	Dixon	Hansbrough	Richardson
Bulkeley	Dolliver	Hemenway	Smoot
Burkett	Flint	Heyburn	Stone
Carter	Foraker	Long	Sutherland
Clark, Wyo.	Frye	Nixon	Taylor
Clay	Fulton	Perkins	Teller

NAYS—27.

Bankhead	Daniel	Lodge	Penrose
Borah	du Pont	McCreary	Platt
Bourne	Gallinger	McCumber	Stephenson
Briggs	Johnston	McLaurin	Warner
Burrows	Kean	Martin	Warren
Clarke, Ark.	Kittredge	Money	Wetmore
Cummins	La Follette	Page	

NOT VOTING—33.

Aldrich	Davis	Hopkins	Scott
Ankeny	Depew	Knox	Simmons
Bacon	Dillingham	McEnery	Smith, Md.
Bailey	Elkins	Milton	Smith, Mich.
Burnham	Foster	Nelson	Tallaferro
Clapp	Frazier	Newlands	Tilman
Crane	Gary	Overman	
Culberson	Gore	Owen	
Curtis	Hale	Paynter	

So Mr. FLINT's amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 39, 40, 83, 84, 95, 99, 102, 105, 106, 109, 112, 113, 114, 131, 175, 176, 177, 178, 179, 180, 181, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, 98, 101, 103, 104, 107, 110, 111, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 158, 159, 160, 162, 163, 164, 165, 166, 167, 168, 171, 172, 173, 174, 183, 184, 185, 186, 187, 188, 190, 191, and 208, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "hire of horse and wagon for the Secretary's office, four hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty thousand four hundred and thirty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and forty-four thousand nine hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and sixty-seven thousand seven hundred and forty-four dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: At the end of said amendment, after

the word "dollars," insert the following: "or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said Senate amendment insert the following:

"Index to the Statutes at Large: For continuing the preparation of an index to the Statutes at Large of the United States, ten thousand dollars, to be expended by the Librarian of Congress for the salaries of the persons whom he employs to prepare the index and for incidental expenses; the scope, classification, and style of the index to be such as the Judiciary Committee of the two Houses of Congress shall direct or approve."

And the Senate agree to the same.

That under the authority of House concurrent resolution No. 67, this session, the bill be amended as follows:

On page 40, lines 18 and 19, strike out the words "twelve thousand dollars" and insert in lieu thereof the following: "eight thousand dollars, and the annual compensation of the Secretary of State, including all emoluments or allowances fixed by law, except such as were fixed by law prior to the twenty-sixth day of February, nineteen hundred and seven, after the third day of March, nineteen hundred and nine, is hereby fixed at eight thousand dollars, and all laws or parts of laws providing different compensation, emoluments, or allowances are hereby repealed, to take effect on the third day of March, nineteen hundred and nine, except that so much of the unexpended balance of the appropriation of twelve thousand dollars for the salary of the Secretary of State for the fiscal year nineteen hundred and nine as may be necessary is hereby made available to pay the said salary as herein fixed at the rate of eight thousand dollars per annum from March fourth until June thirtieth, nineteen hundred and nine, inclusive."

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "chief clerk, two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty thousand nine hundred and eighty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "one clerk of class four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: Strike out the matter inserted by said Senate amendment and strike out, on page 111, lines 21 and 22, and insert in lieu thereof the following:

"Six Indian inspectors, not required to be engineers, now employed and appropriated for in the Indian Department, at two thousand five hundred dollars each, and said Indian inspectors shall hereafter be termed inspectors, and shall be included in the classified service."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the number proposed by said amendment insert the following: "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-one thousand two hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-six thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter stricken out by

said amendment insert the following: "four copyists of maps, at nine hundred dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,000;" and the Senate agree to the same.

On amendments numbered 43, 46, 60, 61, 62, 63, 64, 65, 66, 67, 68, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, and 210 the committee of conference have been unable to agree.

F. E. WARREN,
J. A. HEMENWAY,
H. M. TELLER,

Managers on the part of the Senate.

HENRY H. BINGHAM,
F. H. GILLET,
L. F. LIVINGSTON,

Managers on the part of the House.

The report was agreed to.

Mr. WARREN. I move that the Senate still further insist on its amendments in disagreement and ask the House for a further conference, and that the President of the Senate shall appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER conferees on the part of the Senate at the further conference.

CLARENCE FREDERICK CHAPMAN.

Mr. DICK submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12499) for the relief of Clarence Frederick Chapman, U. S. Navy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

CHARLES DICK,
THOMAS S. MARTIN,
JOHN WALTER SMITH,

Managers on the part of the Senate.

THOMAS S. BUTLER,
ERNEST W. ROBERTS,
A. W. GREGG,

Managers on the part of the House.

The report was agreed to.

COURTS IN WASHINGTON AND OREGON.

Mr. FULTON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington, to report it favorably with an amendment, and I submit a report (No. 1070) thereon.

Mr. PILES. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add to the bill the following additional sections:

SEC. 3. That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the district of Oregon, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same salary as the present judge of said district.

SEC. 4. That the present district judge in said district of Oregon and the one appointed under this act shall agree between themselves upon the division of business and assignment of cases for trial in said district: *Provided, however,* That in case the said two district judges do not agree, the senior circuit judge of the ninth circuit shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

SEC. 5. That hereafter, and until otherwise provided by law, in addition to the terms of the United States circuit and district courts now required by law to be held at the city of Portland, in the district of Oregon, there shall be held annually one term of said courts at the following-named places in said district of Oregon at the times hereinafter stated, namely: At Pendleton on the first Tuesday of April each year and at Medford on the first Tuesday of October each year.

SEC. 6. That the marshal and clerk of the district of Oregon shall each, respectively, appoint at least one deputy to reside in each of said towns of Pendleton and Medford, in said district of Oregon, and he shall maintain an office in each of said places.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to provide for the appointment of one additional district judge in and for the western district of Washington, and one additional district judge in and for the district of Oregon."

INDIANS OF FORT BERTHOLD RESERVATION.

Mr. McCUMBER. I move that the House be requested to return to the Senate the bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907. I will state that the same provision is in the Indian appropriation bill, which has passed the House and passed the Senate.

The motion was agreed to.

Mr. McCUMBER. I enter a motion to reconsider the votes by which the bill was ordered to a third reading and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to resume the consideration of the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

Mr. LA FOLLETTE. I ask that there may be printed in the RECORD, so that it will appear as a part of the proceedings in the consideration of this bill, the table showing the various changes in the course of the bill which the committee incorporated in its report.

Mr. WARREN. I understand the Senator wishes to have the report printed in the RECORD.

Mr. LA FOLLETTE. Not the entire report, but the table. I have no objection to the entire report being printed. I think perhaps it would be well that the entire report should be printed.

Mr. WARREN. I ask the Senator to make the request.

Mr. LA FOLLETTE. I will make that request, that the entire report, which is not very long, but which contains some matters which I think might well be printed, may be printed in the RECORD in connection with the consideration of the bill and preliminary to it.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 1055, Sixtieth Congress, second session.]

Mr. WARREN, from the Committee on Agriculture and Forestry, submitted the following report to accompany H. R. 27053:

The Committee on Agriculture and Forestry, to which was referred the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, having considered the same, report it back to the Senate with amendments:

The amount carried by this bill for the Department of Agriculture is.....	\$13, 773, 276
The House bill carried for the same work.....	12, 883, 826

The actual increase by your committee over the amount as passed by the House is.....	889, 450
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The changes in the bill are as follows:

SECRETARY'S OFFICE.

The salary of the solicitor is advanced from \$4,000 to \$4,500. This increase is made for the purpose of making the salary of this official conform more nearly to the salaries paid to law officers in other departments. In no case does the law officer of any department, except the Department of Agriculture, receive a salary of less than \$4,500 per annum. The salary of the stenographer and executive clerk to the Secretary of Agriculture is increased from \$2,000 to \$2,250. This employee has occupied this position for about eleven years, and the increasing extent and complication of the work of the Secretary's office would seem to entitle him to this small increase. His duties include not only stenographic dictation but much executive work besides. The salary of the inspector is advanced from \$2,000 to \$2,500. He is the only inspector attached to the office of the Secretary, and his duties are largely confidential in character and are performed under the personal supervision of the Secretary. They cover a very broad range and require great tact and fine judgment in addition to general ability and a knowledge of the work being carried on by all the bureaus and offices of the department. The increases in the salaries of the solicitor and the inspector were reported by the House committee, but went out on points of order on the floor of the House. The total increase for this office is \$1,250.

WEATHER BUREAU.

The only increase in the appropriation for the Weather Bureau is in the salary of the chief of the bureau, which is advanced from \$5,000 to \$6,000. This has been done in order to make his salary equal to that of other government officials of the same rank. There is no other chief of a scientific bureau appointed by the President and confirmed by the Senate who does not receive at least \$6,000 per annum. This officer must direct the operations of his bureau every day in the year, including Sundays and holidays, until a late hour each night. The present chief of the Weather Bureau has served continuously in this bureau for the last thirty-two years, and during the last fourteen years as its chief. He has not received recognition by promotion for a number of years, although the meteorological service of the United States, as adminis-

tered by the Weather Bureau under his supervision, is believed to be the best in the world, and its high standing is due entirely to the good work of its present chief. The increase was reported by the House committee, but went out on a point of order on the floor of the House.

BUREAU OF ANIMAL INDUSTRY.

There is an increase of \$55,000 in this bureau for additional quarantine and inspection work. This amount was estimated for but was not reported by the House committee; however, it is believed to be absolutely necessary to meet the increased demands on the service along these lines and properly take care of the work.

BUREAU OF PLANT INDUSTRY.

There is a total increase in the appropriation for this bureau of \$158,090. Thirty thousand dollars of this sum is for promulgating the standards of the different grades of cotton in cooperation with associations, organizations, exchanges, and agricultural colleges; \$22,560 for determining the grades and condition of grain offered for sale, and \$103,530 for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil.

FOREST SERVICE.

There is an increase of \$500,000 in the appropriation for this bureau, and is required to render more effective the proper protection of national forests from fire, and to further facilitate their use to the people.

BUREAU OF CHEMISTRY.

There is an increase of \$15,000 in the appropriation for this bureau to enable the Secretary of Agriculture to cooperate with the agricultural colleges for the purpose of demonstrating and illustrating the best methods of making denatured alcohol on a scale suitable for utilization by the farmer or associations of farmers.

BUREAU OF SOILS.

The only increase in the appropriation for this bureau is an advance of \$200 in the salary of one photographer, whose work is of exceptional character.

BUREAU OF ENTOMOLOGY.

No change has been made in the appropriations for this bureau.

BUREAU OF BIOLOGICAL SURVEY.

There is an increase of \$4,000 in the appropriation for this bureau for the maintenance of reservations for mammals and birds. This item was reported by the House committee, but went out on a point of order on the floor of the House.

DIVISION OF ACCOUNTS AND DISBURSEMENTS.

No change has been made in the appropriation for this division.

DIVISION OF PUBLICATIONS.

There is a net increase of \$1,160 in salaries for this division, as follows: The salary of the foreman of miscellaneous distribution has

been advanced \$100; 1 forewoman has been advanced \$200, and 1 clerk of class 2 and 1 skilled laborer at \$900 have been added. One clerk at \$720 and 1 skilled laborer at \$720 have been dropped.

BUREAU OF STATISTICS.

No change has been made in the appropriation for this bureau.

LIBRARY.

No change has been made in the appropriation for the library.

CONTINGENT EXPENSES.

The appropriation for contingent expenses has not been changed.

OFFICE OF EXPERIMENT STATIONS.

The appropriation for this bureau has been increased \$5,500. The salary of the director of the bureau has been increased \$500 in recognition of his excellent services and careful supervision of the expenditure of large sums of money for the maintenance of agricultural experiment stations. Five thousand dollars has been added to the appropriation for nutrition investigations for investigating and reporting upon the best methods and appliances for the preparation of human food, with a view to securing useful information for distribution in the homes of the people.

OFFICE OF PUBLIC ROADS.

There is an increase of \$20,250 in the appropriations for this office. The salary of the director of the office has been advanced \$250, as he is an efficient officer and the important work of the bureau seems to warrant the small increase. It was reported by the House committee, but went out on a point of order on the floor of the House. Twenty thousand dollars has been added for ascertaining the relative effectiveness of township, county, and state systems of road administration, for making inquiries as to the cost thereof, and for reporting the results to Congress.

MISCELLANEOUS.

No change has been made in the amount of the appropriation for paper tests.

A provision has been inserted to enable the Secretary of Agriculture to inspect and control the importation of biological products to prevent a further outbreak of the foot-and-mouth disease in this country, \$25,000.

A provision has also been inserted to enable the Commission on Country Life, under the direction of the Secretary of Agriculture, to digest, compile, and publish the material already gathered by the commission, and to complete its work, \$25,000.

A provision has also been inserted to create a commission on alcoholic liquor traffic, \$80,000, of which sum \$20,000 shall be immediately available.

Several other minor provisions have been inserted, but carry no appropriation of money.

The table following shows the various changes in the course of the bill:

Table showing various changes in the course of the bill.

	Appropriation.	Estimate.	House committee.	House bill.	Senate committee.	Increase by Senate committee.
Secretary's office.....	\$122,900	\$162,300	\$174,320	\$173,320	\$174,570	\$1,250
Weather Bureau.....	1,662,260	1,642,260	1,508,260	1,507,260	1,508,260	1,000
Bureau of Animal Industry.....	1,080,860	1,508,860	1,402,860	1,402,860	1,457,860	55,000
Bureau of Plant Industry.....	1,341,676	1,560,636	1,620,736	1,630,736	1,786,826	156,090
Forest Service.....	3,896,200	5,991,500	4,646,200	4,646,200	5,146,200	500,000
Bureau of Chemistry.....	826,720	1,000,000	880,560	880,560	895,560	15,000
Bureau of Soils.....	234,700	287,100	232,660	232,660	232,860	200
Bureau of Entomology.....	184,960	527,680	527,680	527,680	527,680	—
Bureau of Biological Survey.....	62,000	103,170	87,420	83,420	87,420	4,000
Division of Accounts and Disbursements.....	46,690	55,090	61,490	61,490	61,490	—
Division of Publications.....	179,710	211,980	205,320	205,970	207,130	1,160
Bureau of Statistics.....	221,640	240,780	221,420	220,920	220,920	—
Library.....	33,580	36,600	35,820	35,820	35,820	—
Contingent expenses (supplemental estimate).....	80,200	70,000	80,000	80,000	80,000	—
Office of Experiment Stations.....	1,064,620	1,070,160	1,068,720	1,068,720	1,074,220	5,500
Office of Public Roads.....	87,300	126,450	116,400	116,210	126,460	20,250
Total.....	11,112,106	14,605,626	12,870,926	12,873,826	13,683,276	759,450
Last year.....			10,921,346	10,908,806	11,082,146	—
Increase over last year.....			1,949,580	1,875,020	2,551,130	—
Miscellaneous:						
Paper tests.....	10,000	15,000	10,000	10,000	10,000	—
Naval stores industry ^a	10,000	—	—	—	—	—
National bison range ^a	40,000	—	—	—	—	—
Importation of biological products—Bureau of Animal Industry.....	—	25,000	—	—	25,000	25,000
Commission on Country Life (supplemental estimate).....	—	—	—	—	25,000	25,000
Commission on Alcoholic Liquor Traffic.....	—	—	—	—	80,000	80,000
Total.....	60,000	40,000	10,000	10,000	140,000	130,000
Emergencies:						
Bureau of Entomology (moths) ^b	250,000	—	—	—	—	—
Bureau of Animal Industry (cattle ticks) ^b	250,000	—	—	—	—	—
Total.....	500,000	—	—	—	—	—
Grand total.....	11,672,106	14,645,626	12,880,926	12,883,826	13,773,276	889,450
Net increase over House bill.....						889,450

^a Omitted from estimates for fiscal year 1910.

^b These two emergency appropriations were merged in the appropriation of the bureaus having supervision of the work.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill, on page 1, line 8.

The first amendment of the Committee on Agriculture and Forestry was, under the head of "Department of Agriculture," on page 1, line 12, before the word "dollars," to insert "five hundred;" on page 2, line 5, before the word "dollars," to insert "two hundred and fifty;" and in line 10, before the word "dollars," to insert "five hundred," so as to read:

Office of the Secretary: Secretary of Agriculture, \$12,000; Assistant Secretary of Agriculture, \$5,000; one solicitor, \$4,500; chief clerk, \$2,500, and \$500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, \$2,500; stenographer and executive clerk to the Secretary of Agriculture, \$2,250; private secretary to the Assistant Secretary of Agriculture, \$1,600; stenographer to the Assistant Secretary of Agriculture, \$1,400; one appointment clerk, \$2,000; one chief of supply division, \$2,000; one inspector, \$2,500.

The amendment was agreed to.

The next amendment was, on page 3, line 22, before the word "dollars," to strike out "seventy-three thousand three hundred and twenty" and insert "seventy-four thousand five hundred and seventy," so as to make the clause read:

Total for the office of Secretary, \$174,570.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," on page 3, line 25, before the word "thousand," to strike out "five" and insert "six," so as to read:

Salaries, office of Chief of Weather Bureau: One chief of bureau, \$6,000.

The amendment was agreed to.

The next amendment was, in the item of salaries, office of Chief of Weather Bureau, on page 5, line 9, before the word "thousand," to strike out "four" and insert "five," so as to read:

In all, \$205,310.

The amendment was agreed to.

The next amendment was, on page 8, line 2, before the word "thousand," to strike out "seven" and insert "eight," so as to make the clause read:

Total for Weather Bureau, \$1,508,260.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Animal Industry," on page 11, line 9, before the word "thousand," to insert "and fifty-five," so as to make the clause read:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the construction and alteration of buildings thereon, the inspection work relative to the existence of contagious diseases and the tuberculin and mallein testing of animals, \$655,000.

The amendment was agreed to.

The next amendment was, on page 12, line 1, before the word "bureau," to strike out "the" and insert "a;" and in line 2, after the word "station," to strike out "at Bethesda, Md.," so as to make the clause read:

For the purchase of additional land for a bureau experiment station, not to exceed \$25,000.

The amendment was agreed to.

The next amendment was, on page 12, line 10, before the word "thousand," to strike out "thirty-eight" and insert "ninety-three," so as to make the clause read:

In all, for general expenses, \$1,293,760.

The amendment was agreed to.

The next amendment was, on page 12, line 14, before the word "cooperation," to strike out "in" and insert "including," so as to make the clause read:

Cooperative experiments in animal feeding and breeding: For experiments in animal feeding and breeding, including cooperation with the state agricultural experiment stations, including the repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including rent, and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, \$50,000.

The amendment was agreed to.

The next amendment was, on page 12, line 21, before the word "thousand," to strike out "two" and insert "fifty-seven," so as to make the clause read:

Total for Bureau of Animal Industry, \$1,457,860.

The amendment was agreed to.

The next amendment was, under the head of "Plant industry," on page 15, line 8, before the word "of," to strike out "life history" and insert "physiology," so as to make the clause read:

For investigating the physiology of crop plants and for testing and breeding varieties thereof, \$27,290.

The amendment was agreed to.

The next amendment was, on page 15, line 13, before the word "dollars," to strike out "seventeen thousand seven hundred and twenty" and insert "twenty-five thousand and seventy," so as to make the clause read:

For soil bacteriology, plant nutrition, and water purification investigations, \$25,070.

The amendment was agreed to.

The next amendment was, on page 15, line 14, before the word "investigations," to strike out "bionomic" and insert "acclimatization and adaptation," so as to make the clause read:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, \$17,990.

The amendment was agreed to.

The next amendment was, on page 15, line 18, before the word "investigations," to insert "and fermentation," so as to make the clause read:

For drug plant, poisonous plant, tea culture, and general physiological and fermentation investigations, \$43,420.

The amendment was agreed to.

The next amendment was, on page 15, line 24, before the word "thousand," to strike out "twelve" and insert "forty-two," so as to read:

For investigating the handling, grading, and baling of cotton, and the establishment of standards for the different grades thereof, \$42,250.

The amendment was agreed to.

The next amendment was, in line 25, after the word "dollars," to insert the following proviso:

Provided, That \$30,000 of this sum, or so much thereof as is necessary, may be used by the Secretary of Agriculture in promulgating the standards for the different grades of cotton in cooperation with associations, organizations, exchanges, or agricultural colleges, such sets of standards as may be prepared by the department to be furnished at actual cost, the proceeds from the same to be turned into the Treasury as miscellaneous receipts.

Mr. KEAN. Mr. President, I should like to have some explanation of that amendment.

Mr. WARREN. Mr. President, that amendment relates to the standardization of the cotton of the South. It is carrying out what has been partially provided for heretofore. Perhaps the Senator from North Carolina [Mr. SIMMONS] can give us some information upon the subject.

Mr. SIMMONS. What is the clause?

Mr. KEAN. It seems to be a proposition to standardize something or other.

Mr. WARREN. The item is at the bottom of page 15 and running over to the top of page 16, relating to the standardization of cotton, and \$30,000 is appropriated for the purpose.

Mr. SIMMONS. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from North Carolina?

Mr. KEAN. Certainly. I withhold the point of order.

Mr. SIMMONS. Mr. President, I will state to the Senator from New Jersey that at the last session we passed an act providing for the standardization of cotton; that is, a small appropriation was made at that time. A commission was appointed to prepare the standards, nine in number, which reported, and the standards have been adopted. It is now necessary that all the cotton organizations of the country shall be provided with samples of these standards. The appropriation is for the purpose of purchasing cotton to be converted into the samples to supply the various cotton organizations and cotton buyers of the country. The money which will be received, a charge being made for each of these samples, will be restored to the Treasury. So this is only a temporary appropriation. The money will come back into the Treasury as soon as the samples are furnished.

Mr. WARREN. Mr. President, I should like to have a few words read on that point from the evidence of Secretary Wilson, who was before the committee.

Mr. ALDRICH. I have no objection to the matter referred to going into the Record, but I shall make the point of order against the amendment if the Senator from New Jersey [Mr. KEAN] does not.

Mr. WARREN. I trust the point of order may be withheld.

Mr. ALDRICH. I have no objection to the testimony going into the Record.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested by the Senator from Wyoming.

The Secretary read as follows:

Secretary WILSON. A year ago, if you remember, Congress required us to grade cotton; and we got a committee of the most intelligent cotton men in the Southern States that we could find and had them come up. We got some men, also, from the boards of trade, and so forth, and they agreed on nine different grades of cotton. The proposition

is to-day to enable us to furnish sets of standards, consisting of the nine grades.

Senator WARREN. For which you want \$30,000.

Secretary WILSON. For which we want \$30,000; and when they are sold the money is to be put back into the Treasury. The theory is that it is not going to cost the Government anything; but we want something to start on. That is what the theory is. We will make the standards and send them to every cotton-growing market, wherever they want them. We will send the sets, and they will pay for them, and we will put the money in the Treasury; but we have no money to go to work and do it now. That is the trouble.

Mr. WARREN. Now, Mr. President, only a word. The contention of the Secretary of Agriculture is that the law already provides for this work. The commission has done the work. This \$30,000 is to provide for the printing, distribution, and sale, and from these sales it is expected the returns will not only pay for the issuance of the samples and printed matter, but also cover and reimburse this \$30,000.

Mr. ALDRICH. Mr. President, this is another step in the direction of the Government of the United States attempting to fix standards for the sale of cotton all over the United States. First, we had an investigation, and now we have a promulgation of cotton standards. I can not see why the United States should be called upon to promulgate standards to take the place of the commercial standards that have been in use from time immemorial in connection with the sale of cotton. I make the point of order against the amendment.

Mr. BURKETT. Let me suggest that this does not appropriate any money. The Government is doing this thing. It just simply provides—

Mr. ALDRICH. If the Government is doing it, it is doing it contrary to law.

Mr. MONEY. Mr. President—

Mr. BURKETT. The Government is doing it, and I do not see why it is not according to law.

Mr. BAILEY. Where is the statute that authorizes it?

Mr. MONEY. Mr. President, this was authorized by the last appropriation bill reported from the Committee on Agriculture, and the Secretary of Agriculture has been at work. So far as I am concerned as a member of the committee, I care nothing about it, but there was a pressure from cotton men everywhere, and I want to say principally from New York, for a grading by the Government of cotton, so that there would be uniformity throughout the country. We passed that bill, and, as I have said, the Secretary of Agriculture has been at work under it. This proposition is intended to advance him \$30,000 to furnish every little cotton market in the country with a set of these standards—9 grades. They are to repay it, and the money comes back to the Treasury. Not a cent is taken out of the Treasury except for a little while.

I want to say that the Secretary, not feeling competent, perhaps, with his force, unaccustomed most of them to cotton, called to his assistance the ablest cotton men whom he knew anything about in the cotton markets, as well as cotton raisers, and these men got together at their own expense and fixed the standards.

This provision is simply intended to send these standards to those who want them, and I know that applications for them are all the time coming from the different cotton markets. The Secretary sends them, and they pay him for them. He can not send them unless he has the money with which to do it, and they do not pay until they get them. It is simply a question of whether Congress will agree that that much public money shall be advanced for the dissemination of these standards to the different cotton markets of the country, the money to be returned immediately. That is the whole question. It does not cost anything, and unless this amendment shall be adopted, what we have done will be of no avail.

Mr. BAILEY. I desire to ask the Senator from Mississippi if there is any attempt to establish these standards as legal standards?

Mr. MONEY. Oh, not at all.

Mr. BAILEY. I perfectly understand that the Federal Government has the right to establish the standard of weights and measures, but no other standards.

Mr. MONEY. No. This is just exactly like the grain standardization, which, as the Senator knows, we have provided for.

Mr. BAILEY. Yes, Mr. President; and there is the trouble. The Government of the United States is being asked now to establish a standard for grain. We will next be asked to establish a standard for cotton; then a standard for cotton goods; then a standard for bread, and they have about established that in the pure-food law. The next thing will be a commission to establish a standard of liquor; and when we get through, Mr. President, the American people will be transacting their business under rules prescribed by commissions. There is hardly a general appropriation bill that comes to this body that either does not ask us to authorize the appointment of a commission or else authorize us to approve something that a commission

has done, although the President has in some cases appointed the commission without the shadow of legal authority.

Mr. WARREN. Mr. President, will my colleague on the committee yield to me until I have—

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. MONEY. Certainly.

Mr. WARREN. Until I can have read a clause of last year's law which authorizes this.

Mr. ALDRICH. I made the point of order against the amendment, Mr. President.

Mr. WARREN. I think, in justice to the committee, we ought to have the provision read.

The VICE-PRESIDENT. Does the Senator from Rhode Island insist upon his point of order?

Mr. ALDRICH. I do.

Mr. WARREN. Will the Senator yield until this is read?

Mr. ALDRICH. Let it be printed in the RECORD. I have no objection to its being printed in the RECORD.

The VICE-PRESIDENT. Without objection, the matter referred to by the Senator from Wyoming will be printed in the RECORD.

The clause referred to is as follows:

To enable the Secretary of Agriculture to establish a standard for the different grades of cotton, calling to his assistance for that purpose expert cotton classifiers, by fixing a standard of middling cotton and, using the same as a basis, establishing a standard of nine different grades to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, which shall be the official standard of cotton classifications. And the Secretary of Agriculture is authorized and directed to prepare in practical form the standard of said grades and furnish the same upon request to any person, the cost thereof to be paid, when delivered, by the person requesting the same, and certified under the signature of the said Secretary and the seal of his department.

Mr. ALDRICH. It is proposed that the Secretary of Agriculture may use this sum to promulgate standards. If we are going to establish standards of cotton to take the place of the commercial standards, let us do it in the ordinary way, by ordinary rules of legislation, and not upon an appropriation bill.

Mr. MONEY. Mr. President, one word more.

The VICE-PRESIDENT. Does the Senator from Rhode Island insist on his point of order?

Mr. ALDRICH. I do.

Mr. MONEY. I think this question is not very well understood. I appreciate the force of the remarks made by the Senator from Texas [Mr. BAILEY], because they are proper.

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Mississippi?

Mr. MONEY. I yielded to the Senator from Rhode Island, and he has taken his seat, Mr. President. I suppose I can go on.

The VICE-PRESIDENT. The Senator can proceed by unanimous consent, but the point of order which the Senator from Rhode Island interposed before taking his seat made it necessary that the Chair should decide the question without debate or submit it to the Senate.

Mr. MONEY. I want to understand this.

Mr. WARREN. The Senator from Mississippi had the floor and yielded to me.

Mr. MONEY. I want to understand if I can be taken from the floor by the Senator making a point of order when I yielded to him, though I did not yield for such a purpose.

Mr. ALDRICH. I am quite willing to withhold the point of order until the Senator completes his remarks. I do not want to cut him off.

Mr. MONEY. I was going on to say, Mr. President, that I quite appreciated the force of the remarks of the Senator from Texas [Mr. BAILEY]. We are going right along, drifting pretty rapidly into a condition of things where the Government is going to take care of everything that the people ought to take care of themselves.

I want to say, as I said a while ago, that when this provision was passed by the committee I declined to favor it. I did not care anything about it. I did not see how it was going to do any good, and I did have some objection to its being done; but since the work has been done, as I have described, by disinterested men—by the cotton men of the country—I think the provision can do no harm. The Secretary has the standards, as ascertained by this commission. As I said, the work was done by men engaged in commercial lines. It was not done by a department or a bureau, but the standards were fixed by commercial men, by men who deal in cotton, who produce cotton, who sell cotton, and who buy cotton. The provision will enable the Secretary to distribute—"promulgate" is probably the wrong word—to distribute, to send anywhere, the nine samples on a card. That is all. The money is to be advanced for that purpose.

Now, if the amendment is to go out on a point of order, that is all right; but still the provision will not do any harm to anybody. If the idea is objected to, you should repeal the legislation of last year and not let the Secretary have the trouble of considering anything more about it. To withhold an appropriation, which is simply an advance for a short while, does not seem to me to be any particular economy.

I am perfectly willing to stop the standardizing of grain, the standardizing of cotton, and the standardizing of anything else into which the United States has to put its hand. I want to leave the people of this country to manage their business and their Government. I am not one of those who advocate that the Government shall take care of the people. On the contrary, if this is not a Government of, for, and by the people, we ought to have a constitutional convention called by the States, change the form of it, and have then a socialism, or a limited monarchy, or a constitutional monarchy, or a despotism, or anything else the people want. They have the right to change their form of government.

But I do not see that any harm can come by this trifling thing. If this point had been made last year, it would have been good. If it were made this year, against the standardizing of grain, I think it would be good; but it certainly would not be a good point if made against a provision that is to carry out a law of Congress that can not be carried out otherwise. In that view I do not see that the point of order is good, Mr. President, because certainly the Secretary has obeyed the law. He can not go a step further, and all that has been done will be useless unless this little advance is made. It is not very material to me. I can not see how it can be; but, at any rate, the cotton people think differently, and I have had a great many communications asking me to stand by this amendment.

Mr. ALDRICH. I make the point of order against the amendment, Mr. President.

The VICE-PRESIDENT. What is the point of order?

Mr. ALDRICH. That it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and sustains the point of order.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 16, after line 7, to strike out:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, \$52,440.

And insert:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, \$75,000: *Provided*, That whenever the Secretary of Agriculture is requested by any considerable number of grain growers in a community he shall appoint an expert grain grader for that community, whose duty it shall be to determine for those making proper requests the grades and condition of grain offered for sale and to collect from the seller of the grain such fees as may be fixed by the Secretary of Agriculture, said fees to be used, first, for all expenses connected with the work, the remainder, if there be any, to be turned into the Treasury as miscellaneous receipts.

Mr. KEAN. I make the point of order, Mr. President, that the amendment proposes general legislation.

Mr. WARREN. I hope the Senator from New Jersey will withhold the point of order long enough to allow the Senator from North Dakota [Mr. HANSBROUGH] to address himself to the amendment.

The VICE-PRESIDENT. Does the Senator from New Jersey withhold the point of order?

Mr. KEAN. I withhold the point of order for a moment.

The VICE-PRESIDENT. The Senator from New Jersey withholds the point of order.

Mr. HANSBROUGH. Mr. President, the proposed amendment is by no means in the same class with the amendment that has just gone out on a point of order. For three years past we have had a law directing the Secretary of Agriculture to fix standards of grain. This provision is merely to assist the Secretary in doing that which the law directs him to do.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. HANSBROUGH. I yield.

Mr. FULTON. I ask the Senator if he will call attention to the statute to which he refers and read it, if he please.

Mr. HANSBROUGH. Yes. In the last agricultural appropriation act there was contained a provision which was reenacted from a former appropriation bill. It is as follows:

To enable the Secretary of Agriculture to establish and maintain, at such points as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, including rent and the employment of labor in the city of Washington and elsewhere; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments, from time to time, and the reports so made shall serve as a basis for the fixing of definite grades, and also for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into foreign commerce.

That is the point.

Mr. FULTON. I call the Senator's attention to the fact—
The VICE-PRESIDENT. Does the Senator from North Dakota yield further to the Senator from Oregon?

Mr. HANSBROUGH. I yield.

Mr. FULTON. I call the Senator's attention to the fact that that simply provides for the gathering of data upon which to base the fixing of a standard for grading. I do not know how that escaped me before. Had my attention been attracted to it I should have objected to it at the time the last agricultural appropriation bill was considered. I do not think it is a matter with which the Government has anything to do or in which it can act at all.

Mr. HANSBROUGH. This thing has been going on for three years or more. The Senator has been a Member of this body for longer than that time. If the Senator will examine the pending bill on page 16, he will find this language, which was framed, as I understand, in the office of the Secretary of Agriculture and predicated upon existing law:

For investigating the handling, grading, and transportation of grain and the fixing of definite grades thereof—

"Grades," of course, are the same as standards. The proposed amendment does not fix the standard, but it enables the Secretary of Agriculture to carry out that which Congress has already directed him to do.

Now, Mr. President, I wish to state that the purpose of this amendment is simply this: I think it is the universal desire of the producers of grain that if there is going to be federal inspection of grain it shall be while the grain is the property of the producer. So I have drawn this amendment so as to provide that the Secretary may appoint a grading inspector in a given community when the producers ask him to do so, and that they shall pay the cost.

It seems to me, Mr. President, that the point of order is not well taken in view of the fact that the amendment is simply to carry out existing law.

Mr. BACON. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. HANSBROUGH. I do.

Mr. BACON. I should like to ask the Senator if we enter upon this field of legislation, can not every other product, agricultural and manufacturing, within the whole boundaries of the United States claim that it is entitled to equal attention on the part of the Agricultural Department in the matter of inspection?

Mr. HANSBROUGH. Mr. President, to use a homely phrase, we will cross that bridge when we get to it.

Mr. BAILEY. But the trouble of it is that we are certain to get to it.

Mr. HANSBROUGH. That is probably so in certain respects.

Mr. BACON. I would say to the Senator that there are bills pending in Congress for the inspection of other products; and, if this one passes, it will be, of course, a good argument why the next one should pass, and when the next one passes it will be a good argument why all should pass.

Mr. HANSBROUGH. Mr. President, some of those bills may be very meritorious measures. I have not had the time to examine them all.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the senior Senator from North Dakota yield to the junior Senator from North Dakota?

Mr. HANSBROUGH. Certainly.

Mr. McCUMBER. There was an excellent provision in the House bill, which has been stricken out by the Senate committee and then reinstated as part of this amendment. The provision reads:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, \$52,440.

That provision is very good, so far as it goes. The Senate committee has added to that something that can be removed by a single objection, and I for one do not see any serious objection to its being removed. We have had before the Senate for some time, reported out of the Committee on Agriculture, a bill providing for federal grading of grain. It goes directly to the point. It provides for the grading to be done by the Federal Government, and the grades so established will be known as "national grades." We would reach it there directly.

This proposed amendment contains that which would be absolutely useless and which, if enacted into law, would simply set at naught the attempt to secure national grain grading. This provides, Mr. President, for an inspector to be appointed in any community where the producers may so desire. This is rather a large agricultural country, and perhaps every county in each State would be a community in which they would desire to have federal inspection.

Those who are opposed to federal inspection of grain, namely, the boards of trade that have been fattening upon the spoils that have been gained under the present system, have used more than any other argument the one that it would require a great army of inspectors. Under the provisions of this amendment it certainly would require an immense army of inspectors, and after you have your army and have made your inspection, it would not be worth anything, because the wheat will be bought and the grading will all again be done at the great terminals.

The wheat that is bought in great quantities is not bought by the farmer's load, one load at a time, but is bought by the thousands and hundreds of thousands of bushels. It is bought from the great grain centers, and fixing a standard there would, by reaction, fix the standard back on the farm. It is the only method we can reach whereby a standard good over the entire country can be established.

Mr. HANSBROUGH. Mr. President—

Mr. McCUMBER. I wish to say one word further, Mr. President, and that is in answer to the question of the Senator from Georgia [Mr. BACON]. He asked why not have every other product standardized. The reason is that everything else is not sold by standards. Every fabric of cloth is not sold by a standard. There are comparatively very few articles that go into the commerce of the country that are sold by standard, but every bushel of grain in the United States has its value fixed according to the standard that is placed upon it, according to the inspection that is made of that grain. If it is made according to certain standards, and made—

Mr. BACON rose.

Mr. McCUMBER. Just one moment. If it is made by the purchaser and sold under a standard that is always fixed either directly or indirectly through the influence of the purchaser, the Senator can easily see that the producer is always at the mercy of the purchaser at the great terminal points in the fixing of those standards.

Mr. BACON. I recognize the strength of that suggestion, but I desire to call the attention of the Senator to the fact that it may not be conclusive. For instance, woolen manufactured goods are not sold by a standard, but the fact that a thing is represented as woolen—

Mr. McCUMBER. Mr. President—

Mr. BACON. The Senator will pardon me for a moment. Let me finish the sentence. The fact that an article is represented as wool enables the seller to get a larger price than he could if it were known that it contained some cotton. If the principle contended for by the Senator as to wheat is correct, why should it not be extended so as to cover manufactured articles? Every article of goods represented to be woolen may be inspected to see whether or not it contains any threads of cotton. The same principle can be extended to almost every other article of manufacture or of agricultural product that one can name. The reason may be stronger in some cases than in others, but the principle will cover all, if it is adopted.

Mr. McCUMBER. The reason would be ten thousandfold stronger in the case of grains which are sold exclusively by grades, and which grades are fixed at the great terminals, than it would be as to other articles, of which perhaps there are thousands of grades, and which articles are not sold by standards.

Mr. HANSBROUGH. Mr. President, I do not understand that the proposed amendment conflicts in the least with the bill which has already been reported from the Committee on Agriculture. There is nothing like it in the bill. The bill on the calendar does not provide for the grading in the local market place.

There is not such a wide difference between the views of my colleague and myself. My idea is we should fix the grade while the wheat belongs to the producer—the farmer—and allow the influence of that action to percolate into the markets of Chicago, Minneapolis, and Duluth, instead of fixing the grades in those great markets and allowing it to percolate back to the farm. That is the only difference.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the senior Senator from North Dakota yield to the junior Senator from North Dakota?

Mr. HANSBROUGH. I yield.

Mr. McCUMBER. If we were to fix the standards while the grain is in the hands of the producer, we would be compelled to have an examiner at every elevator in the country to which the farmer ships his grain, and that would justify the complaint that is made by those who are opposed to federal inspection, that it would require an immense army of inspectors all over the United States. It is a physical impossibility to inspect all the grain raised in the United States while it is in

the hands of the producer, and that I will not say is the vicious part of this provision, but it certainly is a very bad part of it, and it is not workable. If a grade was fixed upon the grain at the farm nobody at the great terminals would be bound by that grade, because the grain might be mixed in the elevator after it had passed out of the hands of the producer, and then it would be regraded at the great terminals just exactly as it is graded at the present time.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. FULTON. I thought the Senator from North Dakota had concluded.

Mr. HANSBROUGH. No; but I will yield.

Mr. FULTON. I do not ask the Senator to yield. I thought he had concluded.

Mr. HANSBROUGH. In regard to binding anybody to the grade fixed by the Government of the United States, it is utterly impossible to do that. You can not compel a man to buy a thing unless he wants to. You can not compel a man to sell a thing unless he wants to sell, whether it is at the Duluth market or at the home market near the farm.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. HANSBROUGH. I yield.

Mr. BAILEY. The Senator said that no law could compel one man to buy from another. That is perfectly true, but it is not germane to this particular question. That might be said in opposition to the federal authority to establish a standard of weights and measures. You can not compel one man to buy cloth from another, but you can establish the rule that if he buys a yard of cloth he gets 36 inches. So you can not compel one man to buy wheat from another, but you attempt here to compel him, when he buys it, to accept a grading established by an expert appointed by the Agricultural Department.

The question I desire to ask the Senator from North Dakota is where the Congress of the United States obtains the authority to authorize the grading of wheat.

Mr. HANSBROUGH. The Senator has raised a great question, which I think we all understand. The Senator from Texas is better able to answer than I am, the Senator being a great constitutional lawyer.

Mr. BAILEY. I desire to call the Senator's attention to the preceding paragraph. While we were discussing the mere question of appropriation a moment ago we overlooked the fact that the bill especially and distinctly provides for the establishment of standard grades of cotton. Let me read the Senator the very language:

For investigating the handling, grading, and baling of cotton, and the establishment of standards for the different grades thereof.

The English language could not make it possible to assert more distinctly the right and power of this Government to establish standard grades of cotton than this bill does; and instead of adopting the language we are now considering, I think we need to go back and strike out what the House has done. I mean no criticism of the committee, but the committee has reported the bill with the distinct assertion of federal power to establish the standard grades for cotton.

Mr. HANSBROUGH. If the theory of the Senator from Texas is correct that it is the duty of the Senate to retrace its steps, then we should go further back than the House at this session has gone, and strike out the law of a few years ago with respect to wheat. The Government of the United States has already entered upon this policy. There can be no denial of that.

Mr. WARREN. Will the Senator from North Dakota permit me?

Mr. HANSBROUGH. Certainly.

Mr. WARREN. I wish to say to the Senator from Texas that the committee has not brought up this subject as new matter. The Senate of the United States and the House of Representatives last year provided in the appropriation act, with the President's approval, for this investigation of the grading and handling of cotton, and the appropriation which the committee has brought in here is to carry into effect and continue that which the Congress provided for a year ago.

Mr. BAILEY. I confess, Mr. President, that if a bill passed this body authorizing or recognizing the establishment of a standard grade of cotton by the Government of the United States it escaped my attention. I should have—

Mr. FULTON. I will state, if the Senator will allow me, that it provided only for the investigation, for gathering statements and statistics upon which at some later time the standard might be based.

Mr. BAILEY. If that was the language of the original act, that language has not been followed in this bill.

Mr. WARREN. I will say to the Senator that I undertook to have the language read, and the Senator from Rhode Island, who then had the floor, refused to permit the reading and let it go into the Record. It is at the desk. It is the law of last year.

Mr. ALDRICH. I should be glad to hear it read. The progression of this matter seems to be somewhat wonderful, and I think it should be brought to the attention of the Senate. I should be glad to have it read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

Mr. FULTON. I wish to make a correction. I stated to the Senator from Texas that the law of three years ago merely provided for the gathering of data. I had in mind the provision in reference to grain, but I see in regard to cotton the language is a little different.

Mr. WARREN. Will the Senator read it?

Mr. FULTON. It says:

To enable the Secretary of Agriculture to establish a standard for the different grades of cotton, calling to his assistance for that purpose expert cotton classifiers, by fixing a standard of middling cotton and, using the same as a basis, establishing a standard of nine different grades, to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, which shall be the official standard of cotton classifications.

Mr. BAILEY. Mr. President—

Mr. WARREN. Allow me just a word here. I wanted this read because I desire the Senator to turn his criticism upon those to whom it belongs rather than the committee.

Mr. BAILEY. I very cheerfully withdraw what I said in criticism of the committee, and I very candidly admit that this is the first time I have known that the American Congress had assumed the power to establish a standard grade for cotton. Of course, Mr. President, no Senator could possibly be familiar with all legislation, and I do not attempt to keep myself advised with respect to every appropriation bill. But I was delinquent with respect to this particular legislation, because it closely and deeply affects a commodity of which my constituents produce almost 30 per cent of all grown in the United States.

I do not know what their attitude about it would be—either those who grow the cotton or those who spin it—but I do know that whatever the argument might be in favor of it as a matter of policy or as a matter of material interest, it is clearly and indisputably beyond the power of Congress to pass any such law and give it effect in this Republic.

The Constitution of the United States gave us the power to establish standards of weights and measures, but there it stopped; and when we assume now to have the power to establish standards with respect to various commodities our power over all must be precisely as suggested by the Senator from Georgia [Mr. BACON], the same as our power over any one.

The Senator from Georgia, however, will find that some enterprising people have anticipated his suggestion with respect to woolen goods. There have been bills introduced in this and in the other House to prohibit the shipment from State to State of cloth pretended to be wool when it contained any per cent of shoddy. They sought to do that, however, not under the assertion that Congress could classify merchandise, but under the general and broader power to regulate commerce between the States and with foreign nations; and I undertake to say that this is the first time it has ever been seriously contended in either branch of Congress that we have the power, independently of our power over commerce, to establish classifications beyond that which the Constitution expressly gives.

Mr. HANSBROUGH. Mr. President, just a word before I take up that point for discussion. I will say we have already entered upon the policy to which the Senator objects.

In regard to the army of inspectors about which there seems to be some fear here, if the amendment becomes a law, I do not believe there would be an army of inspectors appointed. There will be some communities undoubtedly which would want a grain inspector appointed. There would be many other communities where no grain inspector would be needed. The very influence of the action of one inspector in a given community would be widespread as to many other communities in fixing grades; and the Secretary of Agriculture would be assisted in carrying out the law and the duty which Congress has already imposed.

Mr. McCUMBER. Mr. President, I desire to answer two propositions—first, the one of the Senator from Texas [Mr. BAILEY], asking where the authority for a law of this kind can be found in the Constitution. I will say frankly there is no authority for a law such as is proposed in this bill. I admit that. There is no pretension whatever that it is interstate com-

merce. I freely admit that Congress would have no authority to compel any farmer or any producer of grain to submit his grain for federal inspection. But this bill, even as proposed, does not go that far. It says they may, upon the request of the producers in any community, do so. Therefore there can be no conflict between the government officials and the party making the request.

Upon the other proposition, as to where the authority would lie, I will say that it would lie under the interstate-commerce clause of the Constitution. I think every authority will bear me out on the proposition that the Government of the United States may make such rules and regulations in regard to any commodity that passes into interstate commerce as will prevent fraud being perpetrated by reason of the commerce in that commodity. The pure-food law was based upon the proposition that under our control over interstate commerce we could prohibit the shipment of any article entering into interstate commerce which was falsely branded or adulterated so as to deceive and defraud the purchaser.

Now, any bill for federal inspection that is based upon that theory, and that alone, that Congress has authority in the regulation of interstate commerce so to inspect the articles entering into that commerce as to prevent a fraud upon the public, is a valid constitutional enactment on the part of Congress; and if it is based upon and kept within those lines, I do not think there can be any serious objection to it. In other words, the rule will apply just the same to the grading of grain as it would apply to the matter of determining whether or not a certain article is misbranded or adulterated in any manner.

Mr. BAILEY. Will the Senator from North Dakota permit me?

Mr. McCUMBER. With pleasure.

Mr. BAILEY. I think the Senator states the rule too broadly. I think it is true that under the power to regulate commerce the General Government can exclude any article which in good conscience—I mean according to the conscience of the man who votes for the bill—might interfere with or interrupt or impede the commerce of the United States as among the States and with foreign nations. But the Senator does not contend that the Federal Government could go into a granary and classify grain before it becomes the subject of interstate commerce?

Mr. McCUMBER. That is the very reason I say the provision in this bill can not find a constitutional warrant, because it seeks to do that before it becomes an article of interstate commerce, and we can only act upon it when it does become an article of interstate commerce. However, under the provisions of this bill, it is not mandatory, but permissible only, and in that respect, of course, there might not be any objection, except we could not enforce it.

Mr. BAILEY. I think the Senator will agree that what the United States has the power to do it can compel as well as permit. I think there can be no substantial difference between a law permitting and a law compelling a given course of conduct.

Mr. McCUMBER. I can make that clear. Take our provision for meat inspection. We can inspect meat only as it shall enter into interstate commerce. We have no authority, in my opinion, to enforce the inspection of meat before it is designed for interstate commerce. But we passed a law of that kind, and the packers were very glad to have all the meat inspected, whether it went into interstate commerce or not, and we are working, and working well, under that remarkable solution of the constitutional question.

Mr. BAILEY. I do not know that we have found a solution of it. My recollection of that law is that it provides for sending the inspectors into the packing houses, and I should like very much to see a case where an inspector was evicted, and have the question brought to the Supreme Court of the United States. I am perfectly confident that that great tribunal would say we had no power, because the product of the factory might subsequently become the subject of interstate commerce, to send an inspector into a factory of any kind.

Mr. McCUMBER. The Senator states the law as I also understand it, and therefore in the bill which we have before the Senate for federal grain inspection we do not attempt to exercise any authority over it until it enters into interstate commerce, and before it goes out of interstate commerce.

Mr. BAILEY. I will do the Senator the justice to say that I am satisfied any bill he has drawn obviates the constitutional difficulty so far as it can be obviated, and possibly when we come to examine his bill it is simply a question of policy as to whether it is wise or not.

Returning for a moment to the meat-inspection law, I suggested when that bill was pending here that if it provided that

no meat should become the subject of interstate or foreign commerce unless it had been inspected it would be well within the constitutional power of Congress, and very probably, in order that they might export their meat, the packers would agree to have it all inspected. But my recollection is that my suggestion was not accepted, though I recall that the chairman of the Committee on Agriculture, the late Senator Proctor, assented to it; but I do not think the bill was conformed to my views, and I think when that question is brought into court it will be discovered that that law will not stand judicial scrutiny.

Mr. McCUMBER. In answer to the statement of the Senator from Texas, I believe if anyone were indicted for a refusal to allow an inspector in Chicago, for instance, to go in and inspect his meat, the indictment would be subject to demurrer. I do not believe we could enforce such a law. We are enforcing it because the packers are perfectly willing to have the law enforced as it now is.

Mr. BAILEY. In other words, we are practicing a kind of duress on them. The Senator from Maryland [Mr. RAYNER] tells me that the question has been decided, at least by one of the inferior tribunals, and he says it has been decided as the Senator and I agree it ought to be decided.

Mr. McCUMBER. But I do not contend, as the reason of my view, that because the old law is not wholly constitutional in all its provisions we can not say that meat shall be inspected so as to indicate what its qualities are before it passes into interstate commerce.

Mr. BAILEY. I will go further—

Mr. McCUMBER. I am very doubtful—

Mr. BAILEY (continuing). And say Congress can not before it enters into interstate commerce.

Mr. McCUMBER. Yes. I want to say I am very doubtful whether the Government could even lay its hand on it before it really enters into interstate commerce.

Mr. BAILEY. I am absolutely certain that is the case.

Mr. McCUMBER. I am very doubtful on that proposition.

Mr. RAYNER. Mr. President—

Mr. McCUMBER. I want to state one other proposition, and then I will yield, if it is agreeable to the Senator, or I will yield to him now if he desires.

The VICE-PRESIDENT. The Senator from North Dakota yields to the Senator from Maryland.

Mr. BAILEY. The Senator from Maryland has sent for the case.

Mr. McCUMBER. I wish to speak about another proposition that was made by my colleague, in which he says that no law can compel anyone to purchase grain. I suppose he means by that, of course, the purchase of it under any given standard, but we will not have the slightest difficulty in that respect if we make our standards applicable at the great terminals. Why? Simply because all of the consumers desire a national standard, and they would not buy by any other standard if they could secure a national standard, because they have entire confidence in the national standard. And secondly, because every foreign purchaser, who has been demanding a national standard for years, is also in favor of purchasing entirely by such a standard; and inasmuch as you could secure no purchases by any other standard than the federal standard, there would not be the slightest difficulty, and it would in reality become the standard for all sales and purchases of grain.

Mr. HANSBROUGH. I will ask my colleague—

Mr. McCUMBER. I yield to the Senator from North Dakota.

Mr. HANSBROUGH. I simply desire to ask a question. Of course, my colleague has already stated that whatever the grain inspector might do at any point would not be mandatory. I think that would apply not only to the local market, where the wagonload of grain goes onto the elevator scales, but also at the great terminal elevators. I call my colleague's attention to that.

Mr. McCUMBER. It would not apply to the terminals for the reason I have just mentioned, and that is that the great consuming trade all over the country is demanding a federal standard, and not only is it demanded in this country, but the foreign demand is universal for a federal standard. Therefore they would make no contracts except for that standard. In other words, we would be furnishing them that which they are demanding.

Now, why would it not apply upon the farm? Suppose you had an inspector and that inspector passed upon a load of grain at an elevator, or 50 or a hundred loads of grain. They would be dumped upon the elevator; they would be mixed in the elevator. It is not interstate commerce in any degree. The purchaser can do with it what he has a mind to do and when it gets down to the terminal they will grade it themselves. The value that is

fixed in the field of consumption by reaction always fixes the value in the field of production. The field of consumption would purchase under a national standard every time because we have government inspectors.

Mr. HANSBROUGH. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield further to his colleague?

Mr. McCUMBER. I yield.

Mr. HANSBROUGH. May I ask my colleague how he would fix the question of dockage? The great complaint at the local market place is that the buyer, the elevator man or the miller, gets the best of the producer on the question of dockage. The purchaser will say there is a wagonload of grain that contains 5 pounds of dirt to the bushel, and I will dock it 5 pounds to the bushel. The farmer has no redress whatever. I do not say that he would have much redress with a local federal inspector, but that local inspector certainly would be in a position to bring about better relations between the buyer and the seller. The dirt is taken out of the grain at the local elevator before the grain is shipped to the large terminal elevator, and it is the question of dockage concerning which our farmers are most impatient.

Mr. McCUMBER. That is very easily answered, Mr. President. The dockage is always fixed upon by certain rules and regulations at the terminals. There is the point where all the difficulty arises. The local buyer must always make as much dockage as he thinks will be allowed at the terminal; in other words, he must always make enough to protect himself.

Now, if we have government inspectors at the great terminals, and when a carload of grain goes there they determine what is a proper deduction for dockage, the purchaser from the farmer at the local elevator in making his next purchase can always make it in view of what has been held by the government inspector at the great terminal. That would not apply to the farmer's single load. As I have stated before, it would be impossible to have inspectors who would inspect every load of grain all over the United States as it goes into the local elevator.

Mr. NELSON. Mr. President, I do not intend to enter into any constitutional discussion of this question, and I propose to refer to it only sufficiently to elucidate the point of order. Clearly, the proviso is both new legislation and general legislation. The proviso reads as follows:

Provided, That whenever the Secretary of Agriculture is requested by any considerable number of grain growers in a community he shall appoint an expert grain grader for that community, whose duty it shall be to determine for those making proper requests the grades and condition of grain offered for sale and to collect from the seller of the grain such fees as may be fixed by the Secretary of Agriculture, etc.

Clearly, that is new legislation and general legislation. It would in practice amount to the appointment of grain inspectors in every rural community in the country where they were raising grain. In every county in my State they could petition the Secretary of Agriculture to appoint a grain inspector, and the grain would be inspected there, right at home. It is the grain growers, not the dealers in grain, who have the right to have these inspectors. Clearly it is subject to a point of order, and clearly, aside from that, it would not come within the constitutional authority of Congress to legislate in that direction.

Mr. KEAN. Mr. President, I insist on my point of order.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and therefore sustains the point of order.

Mr. BAILEY. Mr. President, a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas rises to a parliamentary inquiry.

Mr. HANSBROUGH. Before the Senator proceeds, will he allow me just a minute to make an inquiry?

Mr. BAILEY. Certainly.

Mr. HANSBROUGH. In view of the decision of the Chair, are lines 8, 9, and 10, on page 16, the House provision, restored?

The VICE-PRESIDENT. The Chair is of opinion that the entire amendment is indivisible and falls under the point of order. The effect of it is to restore lines 8, 9, and 10, proposed to be stricken out by the amendment of the committee.

Mr. BAILEY. That was precisely the parliamentary inquiry that I desired to make, and if now is the proper time, I desire to move to strike out the House provision. If proper to make that motion now, I move to strike out lines 8, 9, and 10, on page 16.

Mr. KEAN. Let me call the attention of the Senator to lines 23, 24, and 25, which carry the appropriation.

Mr. BAILEY. That will be a separate amendment.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be read by the Secretary.

The SECRETARY. It is proposed to strike out lines 8, 9, and 10, on page 16, in the following words:

For investigating the handling, grading, and transportation of grain and the fixing of definite grades thereof, \$52,440.

Mr. WARREN. Mr. President, let me understand the effect of that. The committee have stricken that out, and an agreement to the work of the committee effects exactly what the Senator from Texas moves. Do I understand the Chair has already ruled that the amendment of the Senate committee as to those three lines is disagreed to?

The VICE-PRESIDENT. The amendment was one to strike out and insert. The Chair is of opinion that the point of order was well taken, the effect of which is to strike out the matter in italics and to restore the three lines which appear in the bill as it passed the House.

Mr. WARREN. Then, of course, the motion of the Senator from Texas to strike out is in order.

The VICE-PRESIDENT. The Chair is of opinion that the motion of the Senator from Texas is in order.

Mr. McCUMBER. I suppose the Senator from Texas desires to give his reasons for moving the amendment, and I desire to reply to them.

Mr. BAILEY. Mr. President, I have no desire to further occupy the time and attention of the Senate. I have stated what appears to me a controlling reason against legislation of this kind. We have now debated the matter for something like an hour, and unless something not yet suggested can be advanced in support of this provision I am ready for a vote upon my amendment to strike it out.

Mr. HANSBROUGH. Mr. President, let me say that the effect of the motion of the Senator from Texas, if it should prevail, would be to close up six or seven laboratories provided for two or three years ago.

Mr. BAILEY. There are 600 or 700 governmental establishments in this country that I should like to close up. They are altogether too numerous, and if we continue to multiply them the tax eaters will soon be as numerous as the taxpayers.

Mr. HANSBROUGH. I might join the Senator when he furnishes me a list of the institutions that he desires to close. These laboratories are now in operation. The purpose of them is to ascertain the quality and character of grain for export. The Secretary of Agriculture, under a law passed three years ago, was authorized to give a certificate when it is requested by the exporter for a cargo of grain. We are already carrying on that work. We have a division in the Department of Agriculture devoted to the work provided for in the several bills, which have already become a law.

Mr. BAILEY. Mr. President, the mistake the department has made is that it has assumed a power that Congress could not vest in it; and I am inclined to believe it has anticipated that Congress would grant it a power it has not yet granted, and which I hope it never will grant.

The Senator from North Dakota illustrates one of the bad practices which prevail in all the departments. Every department under the Government is seeking an extension of its power. They make reports to Congress asking for appropriations to be used in a particular way, and, with the multitude of things which the Senate has to do and with the multitude of things which every Senator has to do, those recommendations escape us, just as it had escaped me that this important subject-matter had ever been dealt with after this fashion. Finally the department, having secured this permission and that extension of its power, finds itself assuming to do, even without a statute, what Congress has no power to authorize it to do by a statute.

I take it that if there is any embarrassment to the Secretary of Agriculture or to his department, it grows out of a greedy extension of his power.

Mr. HANSBROUGH. The original law on this subject grew out of the solicitation of numerous organizations of people in the Northwest, where we produce large quantities of wheat, and it grew out of resolutions passed by legislatures of the various States in that section of the country. The Secretary of Agriculture had not asked for this legislation. The legislation was enacted by Congress in answer to the requests and petitions of the people from the Northwest country—the wheat-raising country. The Secretary of Agriculture is merely administering the law.

I say that the effect of the motion made by the Senator from Texas, if it should prevail, would be to wipe out a division of the Agricultural Department and put a stop to what I think is a very beneficial piece of work.

Mr. BAILEY. And if the motion does not prevail, the result will be to assert a power in the Federal Government to fix the grading of grain without limiting it, as the Senator from North

Dakota has expressed it, to the interstate handling of grain. There is no attempt here to distinguish between intrastate and interstate commerce.

Mr. HANSBROUGH. The Agricultural Department is not now interfering with grain that is for shipment within a State. I think it is only devoting itself to grain for exportation.

Mr. BAILEY. Fortunately they can not do it. I think they would if they could. I do not want to see Congress pass another law which even a minority of the Supreme Court could only sustain upon the ground that Congress did not mean what it said. They have recently held unconstitutional a law passed by Congress, because it used language broad enough to include intrastate as well as interstate transactions, and the minority of the court sought to save the law upon the ground that Congress did not intend to say what it said. That is not a very high compliment to our literary capacity or to our attention to these matters.

If his provision is to remain in the bill, surely it ought to be so framed as to be within the power of Congress, and as it stands it is not within our power. Therefore, Mr. President, I think it ought to go out of the bill.

Mr. McCUMBER. Mr. President, the Senate could give no harder or more disastrous blow to the entire farming interests of the Northwest than to vote in favor of striking out this provision from the bill. I know of what I speak in that respect. I represent solely an agricultural State. I have made a close and a most careful examination of the handling of our grain and of every law that has had a bearing upon the handling and buying and the selling of that grain.

Under the provision of law the Secretary of Agriculture has been making an investigation of the grades that have been given our grain. That very investigation has been worth millions and hundreds of millions of dollars to the farming community in the last five or six years. We are getting better grades today than we ever got before in the Northwest because we are awakening the interest not only of the farming community demanding that the old wrong shall be righted, but because through the activity and examination of the Agricultural Department of the different grain throughout the country that department is saying what grade such a grain is entitled to and its character and everything that bears upon the question of its value in the great markets of the world.

To-day American grain abroad is selling all over Europe for several cents a bushel less than any corresponding grade of the same grain shipped from any other country than the United States. The Secretary of Agriculture sent there during the past summer a special agent to investigate the question and to determine what difference there was between American grain of a certain character and Argentine, Canadian, and Russian grain of the same character and that would grade the same, and he found that there were several cents a bushel in favor of the grain produced anywhere else.

Now, why was this? The reason was that at every one, or nearly every one, of the great shipping points grain is mixed and graded from one to two higher grades than it is entitled to. In other words, the farmer's grain that is purchased is, we will say, good No. 2 northern. It is purchased for No. 3 northern instead of No. 2. That same No. 3 northern is mixed with other No. 3 northern, and at the great terminals it is put back to No. 1 and to No. 2 and sold in a foreign country under a higher standard than it was received under in this country. The result is that we have put in screenings and stuff in our outshipments that could not have found a market in the United States and certified them at a grade or two higher than they were entitled to have.

What is the immediate result of that? You, of course, impose upon the foreign purchaser for that one shipload, but when he makes the next purchase of grain he will only pay a No. 3 price for what purports to be a No. 1 grain, and as the price for No. 1 grain fixes the price of No. 1 grain at the points of production, you can easily see that the farmer who produces the grain receives a No. 3 price for a No. 1 grade, and that is why less is received for American grain of a certain standard than is received for the same grain when it is shipped from Canada, from the Argentine Republic, or from Russia.

Mr. RAYNER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maryland?

Mr. McCUMBER. Certainly.

Mr. RAYNER. Mr. President, I only desire to give the decision. I have sent out for the report, but it appears I can not get it at any place. I know the particular case. I was out of the Chamber when this discussion took place, and if the Senator from North Dakota [Mr. McCUMBER] will permit me I will give the case according to my recollection, because I recol-

lect it distinctly. It affects the constitutionality of this entire measure. It was the case of the United States against Boyer, and is reported in Eighty-fifth Federal Reporter. It is an opinion of Judge Rogers, of the Missouri district.

The question came up there, not incidentally or collaterally, but directly, whether the meat-inspection law was constitutional or unconstitutional, and it was held to be unconstitutional; and there has never been any reversal of that decision. I will give the case in a moment for the benefit of those who are interested in the constitutionality of this entire provision.

There was an attempt to bribe an inspector. There was a presentment and an indictment against the party who attempted to bribe him. There was a demurrer to the indictment, and the court sustained the demurrer upon the ground that the meat-inspection law was unconstitutional, and the whole law went by the board. The court held that we have no right for any purpose to send an inspector into a State for the purpose of inspecting meat, or inspecting grain, or inspecting anything else.

The decision, I submit to the Senator from North Dakota, is absolutely conclusive and final upon this proposition. If I could get the book, I would give you the decision, but it appears I can not get the report. It is the Boyer case, in Eighty-fifth Federal Reporter. There has been no reversal of it. There was no appeal taken to the Supreme Court of the United States, because the United States did not have the right of appeal. That case stands to-day unreversed by any decision, so far as I can find in the reports of the Supreme Court.

Any law that permits the Secretary of Agriculture, or any other officer of the Government, to send an inspector into a State for the purpose of inspecting meat or grain or any other article of commerce before it leaves that State, I submit, under that decision and under any number of other decisions, is an unconstitutional law.

Mr. McCUMBER. There is not any question about the rightfulness of that decision; I have never questioned it at all; but it has not the slightest application to this provision. It did have an application to the provision which has gone out on a point of order; I will admit that; but it has nothing to do with the provision that we are speaking of now.

Mr. BAILEY. Does the Senator from North Dakota contend that the language now under discussion limits the power to fix these grades to interstate-commerce transactions?

Mr. McCUMBER. I will just read what it says and give the Senator my construction of it.

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof.

There is not any question but what the Agricultural Department can investigate the handling of grain. They can make any investigation that they see fit as to how the grain is handled and can report to Congress anything that they think will be of importance to us to know. So far there can be no objection. Neither can there be any question with reference to the department itself fixing what it would call "proper grades." There is nothing in the provision which attempts to force those grades into the business of the country and to compel dealers to buy and sell by those grades. If that was there, if it was the construction that we were to follow the grades, that any standard fixed by the Agricultural Department should be the grades under which the grain should be bought and sold, there would be no question whatever, in my mind at least, but that it would be unconstitutional. But that is not the intention at all.

Now, we have been appropriating, year after year—

Mr. BAILEY. Will the Senator allow me?

Mr. McCUMBER. In just one minute. We have been appropriating money, year after year, for the investigation of the boll weevil and other matters affecting the cotton crop. We could not go to your farm and compel you to hand over any of that crop for investigation. It is not necessary. The work of the department upon the cotton crop, I believe, has been extremely beneficial to the cotton growers of the United States. I believe the work that has been done is beneficial, in reference to the grading of cotton, so that the dealers over the country can see what would be a proper grade and what cotton ought to measure up to a particular grade. It may be that they have made more grades and finer distinctions than are necessary, but I believe that the work is absolutely in the right line and is doing good.

The effect of the work of these laboratories in determining the character of grain raised in any particular section of the country and their work in determining whether a certain grade that has been given by the department in any section of the country is a fair grade has been beneficial. Let me give the Senator an example right here. I had some grain sent to me

a short time ago which had been inspected at one of the great terminal markets and was given a certain grade, according to the rules of that terminal governing the grading of grain. The Agricultural Department took up the same grain, applied the same rules, and ascertained that the terminal inspection was far below what the grade should have been by the rules of that terminal.

When this became generally known, the terminal inspectors themselves became far more careful in making those grades, because they knew when the farmer shipped a carload of grain to any of the great terminals he could take a sack of that grain from the car, send it down here, and have it examined, not according to the standard in the department, but according to the standard of the terminal where the grain is to be sold. If he finds that he is not getting a fair grade, if he has had notice of that fact, he gives that notice to others, and those who are buying his grain at that terminal will be far more careful in giving it an honest and just grade. This is of inestimable value to the entire grain-raising section of the Northwest, and this little amount of some fifty-odd thousand dollars should not be interfered with.

I shall be ready, Mr. President, to take up the question of the advisability of federal grain grading and inspection when we reach it upon a bill which is before the Senate, which bill is so drawn that it will, in my opinion, stand every constitutional objection.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. McCUMBER. I do.

Mr. BAILEY. Mr. President, I simply wanted, if possible, to call the Senator back to the point at issue. He exhibits the debater's skill in running away from a question which it is difficult to answer. I asked the Senator the flat question if he did not believe that that language appearing in this bill is broad enough to include intrastate as well as interstate transactions?

Mr. McCUMBER. I do not think that intrastate or interstate transactions have the slightest thing to do with it, but that it is simply for the information of the department, itself that makes these examinations.

Mr. BAILEY. Mr. President, the Senator has just illustrated how the ruling of the department governs men, and thus negatives his statement that this is a harmless order promulgated by the department.

Mr. McCUMBER. I have not said that it was harmless. I have said that it was very beneficial.

Mr. BAILEY. But the Senator uses the word in one sense when I use it in another.

Mr. McCUMBER. I did not use the word "harmless" at all.

Mr. BAILEY. I use the word "harmless" with reference to the power; the Senator uses it with reference to the prosperity of his section of the country.

I am very free to say, Mr. President, that I have never been able to bring myself to believe that you could promote the real prosperity of this country by violating the Constitution of this Republic or by embarking the Government upon a domain which ought to be reserved for individual or corporate enterprise.

Mr. McCUMBER. Let me ask the Senator right there, Does he believe that we violate the Constitution in providing money that the Secretary of Agriculture may use in investigating the boll weevil?

Mr. BAILEY. Or the foot-and-mouth disease, or such as that. That is a close question. In those cases only a naked power of appropriation is exercised; and I have no hesitation in saying that Congress can not couple the exercise of a substantive power with those appropriations. Congress may appropriate the money to study the nature and habits of cotton pests, but it can not send its agents into my field for that purpose if I am not willing for it to do so. Congress may appropriate thousands to stop the spread of the foot-and-mouth disease, but the Federal Government can not enter my farm to inspect or destroy one of my cattle infected with the foot-and-mouth disease if I protested against their coming. In other words, I contend that the Federal Government, at most, in cases like these can have and can exercise only the naked power of appropriation.

Mr. GALLINGER. Mr. President, will the Senator permit me a suggestion?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from New Hampshire?

Mr. BAILEY. Certainly.

Mr. GALLINGER. I was attracted by the Senator's observation as to the authority of the agents of the Agricultural Department invading a State in connection with the foot-and-

mouth disease. The farmers of New England—at least of New Hampshire—did protest against such agents exercising the right to slaughter herds, and, as the farmers said, without much regard to whether the cattle had the disease or not, but the agents proceeded to do it, and the cattle were killed under that authority.

Mr. BAILEY. That only illustrates, Mr. President, the gradual encroachment of the General Government on the State and the gradual encroachment of the state government upon the individual.

I myself believe that the individual welfare of every man should yield to the higher welfare of all men; but it ought to be only in clearly defined cases. If we concede from time to time the power of the Government, through its majority, to prescribe the conduct and management of the minority's business, I wonder where the end will be. If one year we recognize the Government's right to prescribe a standard for grain, the next year a standard for cotton, and the third year a standard for cloth, what is to be left to the merchants and the consumers of this country? Are we to be compelled to buy and sell according to the direction of the statute, or are we to be permitted, as our fathers were permitted, to buy and sell according to our common sense and according to our own best judgment? Sir, this is what I protest against here and now, and what I have been vainly protesting against ever since I have had the honor of occupying a seat in the Congress—the gradual encroachment of the Government upon the man.

I believe that the true progress of civilization is one under which the man needs to be less governed; but under our theory, or at least under our practice, we are telling the world that the more enlightened our Nation becomes, the more our people become educated, the less they are able to take care of themselves and the more they are compelled to depend upon the Government to take care of them.

Mr. President, in one of the most excellent commentaries ever written upon our institutions it was said that the weak place in this Government is the relation between the majority and the minority. When I first read that I felt that it was the most foolish of all the comments upon our system, but time and circumstances and experience have convinced me that the author of that remarkable book was wiser than any man of his day or generation.

I felt then, without experience, that the limitations of a written constitution would always suffice to protect the minority in all of its essential rights against the aggressions of the majority; but no man can read the history of our legislation for the last thirty years without becoming convinced that the Frenchman spoke the truth when he said that the most difficult problem under this system of government is how to protect the minority against the majority.

Some things the majority have a right to prescribe for the minority. They have a right to prescribe its conduct so far as it affects the public peace and the public order and the public health; but they have no right to prescribe the rule of purely private transactions. If my neighbor can out-trade me, that is his good luck and my bad fortune, and I would rather suffer in the transaction where his better judgment gives him the advantage than to be continually invoking the Government to stand an officer at my side and prevent the brighter man from making the better trade.

We want a statute now, Mr. President, to govern us in everything. If a man makes a mistake, he does not go and in the quiet of his office, or in a conference with his friends, admit the mistake, and resolve to be more cautious thereafter; but he wants a law to fix it so that he can not make the next mistake.

When I was a boy I sometimes stubbed my toe; and when I did, I went crying to my father. He was a wise man of the old school, and so he laid his hand on my head and said: "My boy, next time you look where you are going and you will not stub your toe." I obeyed that good advice, and I became more careful where I ran and where I played; but in this day, if a boy stubs his toe and goes crying home the modern father does not admonish him to be more careful, but tells him that he will go to Congress and have a law passed to dig up the stump so that he can not "stub his toe." [Laughter.]

Mr. McCUMBER. Mr. President, the Senator in his oratory has drifted somewhat away from the particular matter under consideration. I think, however, I can answer one or two of his propositions. He asks, if we have a standardization of grain, if we have a standardization of cotton, why not have a standardization of woolen goods and everything of that character, and where shall we stop? I will simply say to the Senator that so long as we are capable of self-government the people themselves will probably determine the proper place to stop. There will be

wisdom in the world when the Senator and when I are entirely out of it, and enough wisdom in this Government, probably, to still run it properly and make a proper division between the rights of the people themselves to do their business in their own way and the right of the Government to determine how they shall do it. I believe the very best thing for the Congress of the United States to do under the present conditions in this Government, which are not the conditions of our forefathers, is that Congress shall exercise its authority to the limit and do what it has a right to do as the Congress of the United States, and then allow the State to exercise its authority up to its limit. Then you will have a proper law governing every condition.

I will take the Senator's illustration of stubbing his own toe, and we shall see where he would be landed according to his own view. If there were thorns in the path he was about to travel, he would say that he must always keep away from that path. But that path was intended for travel, and if there is not a power at his own home to remove those thorns, there ought to be power lodged somewhere to do it.

Now, let us take the matter of selling grain and let us see if the Senator's proposition is true, that one man should always be placed at the mercy of another in a trade, or what the Senator calls "out-trading each other." That is true when a suit of clothes is sold to an individual. He can look at those clothes; he can examine them; he can refuse them; and he can go to the next store and buy there if the other does not suit him, or if the price of the clothes does not suit him. But when I raise a carload of grain in my State and send it to Chicago, I am not meeting the man who is purchasing that grain; we are not meeting face to face by any means, and I am totally at his mercy if authority is solely given to him to fix the grade under which that grain is to be sold.

Mr. BAILEY. Mr. President—

Mr. McCUMBER. Just a moment. That grain, when it left my home, was good No. 2 northern wheat, I will say, and when it arrived in the city of Chicago it was good No. 2 northern; but the man who buys that wheat appoints his own inspector, who grades it as No. 3. Under a combination between that purchaser and every other purchaser they govern the entire number of inspectors, and they buy all the grain at a lower grade than what it really is.

If there was nothing but the view of the article to be considered, and it was sold to a man who could see it and buy it upon its actual condition, then the proposition of the Senator would be applicable, at least to some extent; but the grain is sold not by the carload lot alone in these great centers, but in the great elevators, by millions of bushels at a time. Its value is not the value of the grain, but the value of the grade that is put upon that grain. As the producer has no voice whatever in the establishing of the grade, as he can not reach it in any other way, then there ought to be lodged in the Government somewhere a power that will provide for an honest grading and an honest inspection.

When our forefathers adopted the Constitution of the United States they foresaw that the products of one State would necessarily find a market in another State; and in order that the products of one State might not be excluded by the exercise of the sovereignty of another State by throwing about it such rules and regulations as would infringe upon or destroy its value, they provided that the Congress should have control over interstate commerce. So long as this grain is interstate commerce, I claim it is the duty of Congress, under these peculiar conditions, to exercise congressional authority. Why? Simply because we can not get relief in any other way than through the power that is vested in Congress.

Mr. BAILEY. Will the Senator from North Dakota permit me?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. McCUMBER. Certainly.

Mr. BAILEY. I understood the Senator to say that the farmers sold their grain in Chicago. My understanding has always been that the farmers sold it in their immediate market and that those who purchased it there shipped it to Chicago or shipped it abroad. I know that in the case of cotton—and my experience with that product is larger than it is with grain—the farmer who grows it sells it at his market town, and the people who buy it there ship it to the factories of this country or to factories abroad.

Mr. McCUMBER. The Senator is both right and wrong.

Mr. BAILEY. The farmer, of course, in the case of cotton, would have no governmental help to classify or standardize it, and if the course of dealing in grain is the same as in cotton, then the farmer of Dakota who sells his grain to a dealer who

in turn ships it to Chicago would not even be the beneficiary of the law, even if the law is beneficial from a financial point of view.

Mr. McCUMBER. The Senator is entirely mistaken in his proposition, or, rather, he is partially mistaken as to the general rule in regard to the sale of grain, and entirely mistaken with reference to his conclusion as to whether or not the farmer would be benefited.

In the first instance, let me say to the Senator, especially in my State, where we have very large farms, very much of the grain is shipped out directly from the farms in carload lots to the great terminals, Chicago, Minneapolis, Duluth, and Superior.

Mr. BAILEY. That is the case with the large farmer. How is it with the small farmer?

Mr. McCUMBER. They are all pretty large farmers there. We do not have very many of what might be called "small farmers." They might all be called "large farmers" in that section of the country.

Mr. BAILEY. They ought to be able to take care of themselves, then, without the help of the Government.

Mr. McCUMBER. They are farming all the way from 600 to 6,000 acres each.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. The hour of 4 o'clock having arrived, the Senate will proceed, under the unanimous-consent agreement, to vote upon Senate bill 5729 and amendments pending and to be offered.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Mr. WARREN. I ask permission to say that I shall endeavor to have the agricultural appropriation bill taken up and its consideration continued on to-morrow morning, immediately after the routine morning business.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Virginia [Mr. DANIEL], to strike out section 2.

Mr. BACON. Mr. President, in order that we may vote intelligently, it will be necessary that the bill should be read as well as the amendment. I have no doubt they have been read heretofore, but many of us are not familiar with them, and I desire to have the bill read.

Mr. FORAKER. The original bill was read, and the amendment, which was offered as a substitute and adopted, was also read at the time that it was agreed upon, so that I suppose the call of the Senator from Georgia has reference only to the substitute.

The VICE-PRESIDENT. Under the order of the Senate the substitute is the bill before the Senate. Does the Senator from Georgia desire that the substitute be again read to the Senate?

Mr. BACON. If I am to vote upon it, I certainly do, because I do not know what it is.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the substitute bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to appoint a court of inquiry, to consist of five officers of the United States Army, not below the rank of colonel, which court shall be authorized to hear and report upon all charges and testimony relating to the shooting affray which took place at Brownsville, Tex., on the night of August 13-14, 1906. Said court shall, within one year from the date of its appointment, make a final report, and from time to time shall make partial reports, to the Secretary of War of the results of such inquiry, and such soldiers and noncommissioned officers of Companies B, C, and D of the Twenty-fifth Regiment U. S. Infantry who were discharged from the military service as members of said regiment under the provisions of Special Orders, No. 266, dated at the War Department the 9th day of November, 1906, as said court shall find and report as qualified for reenlistment in the Army of the United States shall thereby become eligible for reenlistment.

Sec. 2. That any noncommissioned officer or private who shall be made eligible for reenlistment under the provisions of the preceding section shall, if reenlisted, be considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited, and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive according to his rank from said date of discharge as if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Virginia [Mr. DANIEL], to strike out section 2 of the bill. [Putting the question.] By the sound the "noes" have it.

Mr. DANIEL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. BURNHAM's name was called). My colleague [Mr. BURNHAM] is unavoidably absent from the city. He instructed me to say that if present he would vote in favor of this bill. I learn that the junior Senator from Illinois [Mr. HOPKINS] is likewise absent, and that he would vote against the bill, so I will ask that my colleague and the junior Senator from Illinois be paired on this question.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "nay."

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. Were he present, I should vote "nay."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. HOPKINS] to the Senator from Arkansas [Mr. DAVIS] who is absent, thus leaving the Senator from Oregon [Mr. FULTON] and myself free to vote. I vote "yea."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO]. As he is not present, I will withhold my vote. If he were present, I should vote "nay."

Mr. TILLMAN (when his name was called). I want to explain, if I may be permitted to do so, why I shall vote the way I do on this proposition.

The VICE-PRESIDENT. Is there objection?

Mr. TILLMAN. Can I do it now?

The VICE-PRESIDENT. If there is no objection—

Several SENATORS. Let the vote proceed.

The VICE-PRESIDENT. There is objection.

Mr. TILLMAN. Then I will vote "yea," and will explain my vote later.

The roll call was concluded.

Mr. FULTON. Under the transfer of pairs made by the Senator from Oklahoma [Mr. OWEN], I am at liberty to vote, as I understand. I vote "nay."

Mr. SMOOT. My colleague [Mr. SUTHERLAND] is unavoidably absent from the Chamber. If he were present, he would vote "nay."

The result was announced—yeas 27, nays 56, as follows:

YEAS—27.

Bacon	Frazier	Martin	Rayner
Bailey	Gary	Milton	Simmons
Bankhead	Gore	Money	Smith, Md.
Clarke, Ark.	Johnston	Newlands	Stone
Clay	McCreary	Overman	Taylor
Daniel	McEnery	Owen	Tillman
Foster	McLaurin	Paynter	

NAYS—56.

Aldrich	Cullom	Gamble	Nixon
Beveridge	Cummins	Guggenheim	Page
Borah	Curtis	Hale	Penrose
Bourne	Depew	Hansbrough	Perkins
Brandegee	Dick	Hemenway	Piles
Briggs	Dillingham	Heyburn	Platt
Brown	Dixon	Kean	Richardson
Bulkeley	Dolliver	Kittredge	Smith, Mich.
Burkett	du Pont	Knox	Smoot
Burrows	Elkins	La Follette	Stephenson
Carter	Foraker	Lodge	Teller
Clapp	Frye	Long	Warner
Clark, Wyo.	Fulton	McCumber	Warren
Crane	Gallinger	Nelson	Wetmore

NOT VOTING—9.

Ankeny	Davis	Hopkins	Sutherland
Burnham	Flint	Scott	Taliaferro
Culbertson			

So Mr. DANIEL's amendment to the amendment was rejected.

The substitute was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. TILLMAN. Mr. President, it will be recalled that when the Brownsville matter first came into the Senate I took the position that the President had no authority—

Mr. ALDRICH. I dislike to call attention to the fact that under the unanimous-consent agreement there is to be no discussion. The Senator may make his explanation after the vote has been taken. I dislike to call attention to the fact, but it is a dangerous precedent to establish, to permit any discussion when, by unanimous consent, we are to take a vote without debate.

Mr. TILLMAN. I am not making any discussion.

Mr. ALDRICH. It is equivalent to that.

Mr. TILLMAN. I am merely trying to give the reason for my vote. Of course, if the Senate will not give me permission to explain my vote, I can not help myself.

The VICE-PRESIDENT. Under the unanimous-consent agreement, nothing is in order except to vote.

Mr. TILLMAN. Am I permitted, under the ruling of the Chair, to make an explanation now or not?

The VICE-PRESIDENT. The Chair is of opinion that if there is objection that can not be done.

Mr. TILLMAN. Of course I have to yield.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. FORAKER. I ask for a yea-and-nay vote.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. BURNHAM's name was called). I again announce the pair of my colleague [Mr. BURNHAM] with the junior Senator from Illinois [Mr. HOPKINS]. If my colleague were present, he would vote "yea."

Mr. BAILEY (when Mr. CULBERSON's name was called). My colleague [Mr. CULBERSON] is unavoidably absent. If he were here, he would vote "nay."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present and voting, I should vote "yea."

Mr. FULTON (when his name was called). I again announce my general pair with the junior Senator from Arkansas [Mr. DAVIS], but subject to the approval of the Senator from Oklahoma [Mr. OWEN], who is temporarily absent from the Chamber and who is paired with the junior Senator from Illinois [Mr. HOPKINS], I transfer my pair to the junior Senator from Illinois [Mr. HOPKINS], and will vote. I vote "yea."

Mr. SCOTT (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. TALIAFERRO]. If he were present, I should certainly vote "yea." The roll call was concluded.

Mr. FULTON (after having voted in the affirmative). I understand that the junior Senator from Illinois [Mr. HOPKINS], to whom I transferred my pair, has already been paired with the Senator from New Hampshire [Mr. BURNHAM]. I understand, also, that he is opposed to the measure. Therefore I withdraw my vote.

The result was announced—yeas 56, nays 26, as follows:

YEAS—56.

Aldrich	Cullom	Guggenheim	Page
Beveridge	Cummins	Hale	Penrose
Borah	Curtis	Hansbrough	Perkins
Bourne	Depew	Hemenway	Piles
Brandegee	Dick	Heyburn	Platt
Briggs	Dillingham	Kean	Richardson
Brown	Dixon	Kittredge	Smith, Mich.
Bulkeley	Dolliver	Knox	Smoot
Burkett	du Pont	La Follette	Stephenson
Burrows	Elkins	Lodge	Sutherland
Carter	Foraker	Long	Teller
Clapp	Frye	McCumber	Warner
Clark, Wyo.	Gallinger	Nelson	Warren
Crane	Gamble	Nixon	Wetmore

NAYS—26.

Bacon	Frazier	Milton	Simmons
Bailey	Gary	Money	Smith, Md.
Bankhead	Gore	Newlands	Stone
Clarke, Ark.	Johnston	Overman	Taylor
Clay	McCreary	Owen	Tillman
Daniel	McEnery	Paynter	
Foster	McLaurin	Rayner	

NOT VOTING—10.

Ankeny	Davis	Hopkins	Taliaferro
Burnham	Flint	Martin	
Culbertson	Fulton	Scott	

So the bill was passed.

Mr. TILLMAN. Mr. President, I wish briefly to explain my vote on this bill.

When the Brownsville matter was first brought into the Senate I took the position, I believe alone among Democrats, that the President was not warranted in his action; that his dismissal of the troops under the conditions and circumstances was cruel and contrary to all ideas of justice which I had ever read about or thought about. The majority of the Senate then took a contrary position and sustained him. The Senate to-day has reversed and stultified itself and emphatically condemned his action by the step which it has just taken, which permits all of these troops to be reenlisted under certain conditions—guilty and innocent alike.

My position then was that the President ought not to have dismissed and punished innocent men because some men were guilty. We have to-day illustrated what used to be called on the Scotch border "Jedwood justice." When the lords of the marches caught some man who might have been suspected of stealing cattle or committing some other offense, they would hang him first and then try him afterwards. These negroes have been "hanged," so far as the President could do it, and now the Senate proposes to give them a trial and a tardy justice to those who may be able to prove their innocence, although I doubt if any can prove it. But it is a cardinal legal principle that a man must be considered innocent until he is proved

guilty, and proving a negative is an impossibility. But my attitude is that somebody shot up Brownsville, and I believe some of the negroes did it, but not more than 25 of them were ever charged with it, while 168 were discharged. Now, to turn the whole bunch back into the army, as they doubtless will be, will be to admit into the service of the United States some men who have committed murder, for there is no doubt in my mind that you will never be able to find out who committed this crime. Therefore, as I did not want innocent men to be kicked out of the army, I do not want any guilty men to get back into the army, and so I voted "nay" on this proposition.

PENSION APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TAYLOR as the conferees on the part of the Senate.

RESURVEY OF PUBLIC LANDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24835) authorizing the necessary resurvey of public lands, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments and accede to the request for a conference, the conferees on the part of the Senate to be appointed by the Vice-President.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. SMOOT, Mr. FLINT, and Mr. BANKHEAD.

PENSIONS AND INCREASES OF PENSIONS.

Mr. HALE. I desire to move that the Senate adjourn, but I will withhold the motion for a moment because the Senator from North Dakota wishes to prefer a request.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the calendar, and that no other business be conducted by the Senate during this legislative day.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the calendar, and that no other business be considered during the remainder of to-day's session. Is there objection? The Chair hears none, and it is so ordered. The Secretary will state the first bill in order.

The bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month stated:

Thomas H. Reynolds, late major, Thirty-second Regiment Michigan Volunteer Infantry.

Perry Duncan, late of Company G, Sixth Regiment Ohio Volunteer Infantry, war with Spain, \$10.

Anna Sterr, dependent mother of Frank Sterr, late of Company I, Fifth Regiment U. S. Cavalry, war with Spain, \$12.

George W. Webb, late second lieutenant Company H, Twenty-fifth Regiment U. S. Infantry, \$24.

Frances G. Webster, dependent mother of James C. Webster, late of Company A, Ninth Regiment U. S. Infantry, war with Spain, \$24.

Calvin W. Cooke, late captain, First Regiment Oregon Riflemen, Cayuse Indian war, \$16.

Mary R. Greer, widow of John E. Greer, late colonel, Ordnance Corps, U. S. Army, \$40.

Byron H. Bronson, late of Company I, Fifth Regiment U. S. Infantry, and first-class private, Signal Corps, U. S. Army, \$50.

Alexander Snodgrass, late of Company G, Eighth Regiment, and Company K, First Regiment U. S. Infantry, \$20.

Florence Van Etta, former widow of John H. Purcell, late first lieutenant, First Regiment U. S. Infantry, \$20.

George Stevens, late of Company C, Twelfth Regiment U. S. Infantry, war with Spain, \$50.

Thomas H. Beck, late of Colonel Markham's regiment, Nauvoo Legion, Utah Volunteers, Utah Indian war, \$16.

Martha E. Bradley, widow of Samuel Bradley, late of Captain Robinson's company, Tennessee Militia, war of 1812, \$24.

Sarah B. Hatch, widow of Davis W. Hatch, late of Captain Walker's independent company, Texas Mounted Rangers, war with Mexico, \$12.

John W. Ragan, late of Captain Tatom's company, Tennessee Volunteers, Florida Indian war, \$16.

Mr. DANIEL. I move to insert at the end of the bill the words:

The name of Ellen Bernard Lee, widow of Fitzhugh Lee, late brigadier-general, United States Army, and pay her a pension at the rate of \$50 per month.

I will state in this connection that a bill has passed the Senate at the present Congress for this purpose, and I have no doubt the amendment will have the assent of the chairman of the committee.

Mr. McCUMBER. I will ask the Senator if that is the rate fixed by the Senate when it passed the bill for this purpose?

Mr. DANIEL. It is.

Mr. McCUMBER. I have no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 9422) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month stated:

David Lanpher, late of Company I, Sixty-fourth Regiment Illinois Volunteer Infantry, \$24.

Lewis Beckwith, late second lieutenant Company D, Fourteenth Regiment West Virginia Volunteer Infantry, \$30.

Daniel S. Thompson, late of Company K, Fourth Regiment Indiana Volunteer Cavalry, \$30.

Adella F. Rudd, widow of Alfred Rudd, late of Company F, Twenty-first Regiment Connecticut Volunteer Infantry, \$20.

Thomas H. Webley, late of Company F, Fifth Regiment Wisconsin Volunteer Infantry, \$24.

Squire F. Buck, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, \$24.

James A. Seaman, late of Company A, First Potomac Home Brigade, Maryland Volunteer Infantry, \$30.

James M. Legg, late of Company A, Tenth Regiment Missouri Volunteer Infantry, and Company I, Sixty-second Regiment Illinois Volunteer Infantry, \$24.

Charles L. Bartow, late of Company H, Seventeenth Regiment Connecticut Volunteer Infantry, \$24.

Alva L. Fitch, late of Fourteenth Independent Battery Ohio Volunteer Light Artillery, \$30.

Peter A. Gaulin, late captain Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, \$36.

William H. Eaton, late of Company K, Seventy-ninth Regiment Indiana Volunteer Infantry, \$24.

Nathaniel Hurst, late of Company E, Seventh Regiment Missouri Volunteer Infantry, \$24.

Charles Miller, late of Company K, Ninth Regiment Ohio Volunteer Cavalry, \$24.

Lewis R. Bland, late sergeant and second lieutenant Company B, Fifty-third Regiment Pennsylvania Volunteer Infantry, \$30.

Edwin W. Kendall, late of Company C, Sixteenth Regiment Illinois Volunteer Infantry, \$24.

Nelson B. Aldrich, late of Company L, First Regiment Michigan Volunteer Engineers and Mechanics, \$30.

Michael Sullivan, late first lieutenant Company K, One hundred and seventh Regiment U. S. Colored Volunteer Infantry, \$30.

Mary A. Jaquette, widow of Isaac G. Jaquette, late of Company H, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, \$20.

James G. Thompson, late of Company E, Second Regiment Florida Volunteer Cavalry, \$24.

Emma T. Reid, widow of John B. Reid, late lieutenant-colonel One hundred and thirtieth Regiment Illinois Volunteer Infantry, \$25.

Anna W. Clay, widow of Cecil Clay, late colonel Fifty-eighth Regiment Pennsylvania Volunteer Infantry, \$30.

Ella L. Deweese, widow of John T. Deweese, late lieutenant-colonel Fourth Regiment Indiana Volunteer Cavalry, \$20.

George H. Ricker, late of Company E, Eighth Regiment Illinois Volunteer Infantry, \$36.

Joseph W. B. McClintock, late of Company A, Second Regiment Pennsylvania Provisional Volunteer Cavalry, \$24.

Lewis Thomas, late of Company M, Eleventh Regiment Indiana Volunteer Cavalry, \$24.

William Kent, late of Company C, Fourth Regiment Minnesota Volunteer Infantry, \$30.

Mathew M. Smith, late of Company E, Fourth Regiment Ohio Volunteer Infantry, \$30.

Harriett L. Curtis, widow of Charles A. Curtis, late first lieutenant, Fifteenth Regiment U. S. Infantry, and captain, United States Army, retired, \$30.

William A. Ice, late of Company C, Eighteenth Regiment Illinois Volunteer Infantry, \$30.

Alice D. Bainum, widow of Benjamin Bainum, late of Company I, Eighty-third Regiment Indiana Volunteer Infantry, \$20.

Frank D. Moore, late of Eighth Battery, Wisconsin Volunteer Light Artillery, \$24.

Gustavus M. Gates, late of Company C, One hundred and eighth Regiment New York Volunteer Infantry, \$30.

John A. C. Jones, late of Company B, Fifty-fifth Regiment Ohio Volunteer Infantry, \$30.

Francis McKeag, late second lieutenant Company E, Eighteenth Regiment Connecticut Volunteer Infantry, \$30.

Robert L. McConaughy, late of Company A, Fifty-first Regiment Ohio Volunteer Infantry, \$30.

Emily F. Freeburn, widow of Archibald B. Freeburn, late major, Second Regiment Arkansas Volunteer Cavalry, \$12.

Ira Youmans, late of Company C, Second Regiment New Jersey Volunteer Cavalry, \$30.

Sabilla Davis, widow of George Davis, late of Company D, Eleventh Regiment New Jersey Volunteer Infantry, \$20.

Jane Plankinton, widow of Horace Plankinton, late of Company L, Sixth Regiment Pennsylvania Volunteer Cavalry, and Company L, Second Regiment Pennsylvania Provisional Volunteer Cavalry, \$12.

Gabriel Greenleaf, late of Company G, First Regiment Kentucky Volunteer Cavalry, \$24.

John Limric, late of Sixth Independent Battery, Ohio Volunteer Light Artillery, \$24.

Mary Ett Kellogg, widow of John H. Kellogg, late of Company C, Eighth Regiment New York Volunteer Heavy Artillery, \$20.

James B. Merwin, late chaplain, United States Volunteers, \$30.

Nancy Ulen, widow of William P. Ulen, late of Company H, Second Regiment Kentucky Volunteer Infantry, \$20.

William A. Butner, dependent father of Leonidas B. Butner, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, \$12.

Ole Olson, late of Company C, Brackett's battalion Minnesota Volunteer Cavalry, \$24.

Robert I. Patterson, late of Company E, Nineteenth Regiment Indiana Volunteer Infantry, \$24.

Benjamin F. Welker, late of Company C, Twenty-third Regiment Indiana Volunteer Infantry, \$40.

Theodore Pridemore, late of Company G, Fiftieth Regiment Indiana Volunteer Infantry, \$30.

Henry F. Houser, late of Company A, Fourteenth Regiment Wisconsin Volunteer Infantry, \$30.

James McKinley, late of Company D, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, \$24.

Mary E. Lucas, widow of Daniel R. Lucas, late second lieutenant Company C and chaplain Ninety-ninth Regiment Indiana Volunteer Infantry, \$30.

John E. Kitzmiller, late second lieutenant Twenty-sixth Independent Battery Ohio Volunteer Light Artillery, \$30.

George F. Plaskett, late of Company K, Seventh Regiment Connecticut Volunteer Infantry, \$24.

Sallie S. Allen, widow of William H. H. Allen, late major and paymaster, United States Volunteers, \$20.

Frank H. Hall, late of Third Battery, First Battalion Maine Volunteer Light Artillery, \$24.

Cara E. W. Stone, widow of Henry Stone, late lieutenant-colonel One hundredth Regiment U. S. Colored Volunteer Infantry and brevet colonel, United States Volunteers, \$20.

James H. Shutts, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, \$30.

John H. Rublee, late of Company B, Tenth Regiment Vermont Volunteer Infantry, \$30.

Marie Sinclair Russell, widow of Henry B. Williams, late captain Company F, Forty-sixth Regiment Wisconsin Volunteer Infantry, \$12.

Alexander G. Wilkins, late of Company H, Fourth Regiment Pennsylvania Volunteer Cavalry, \$30.

Thomas McCann, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, \$24.

John McGaughey, late of Company K, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$30.

Martha L. Brown, widow of John B. Brown, late of Company B, Third Regiment Massachusetts Volunteer Cavalry, \$12.

William Potter, late of U. S. S. *Ohio* and *Montgomery*, United States Navy, \$24.

Thomas Farrell, late of Company B, Twenty-third Regiment Missouri Volunteer Infantry, \$30.

Alfred Saxey, late of Company F, Tenth Regiment Kansas Volunteer Infantry, and first lieutenant Company H, First Regiment Indian Home Guards, \$30.

Ferdinand C. Porée, late second lieutenant Company C, Thirtieth Regiment Massachusetts Volunteer Infantry, \$24.

Joseph Rigby, late of Company E, Fifth Regiment, and Company K, Seventh Regiment, Delaware Volunteer Infantry, \$12.

Elton M. Durfey, late of Company K, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, \$30.

Charles H. Orr, late of Company G, One hundred and eighty-fourth Regiment New York Volunteer Infantry, \$30.

William H. Hoffman, late of Company D, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company I, Eleventh Regiment Pennsylvania Volunteer Infantry, \$24.

Vinney Streets, widow of William Streets, alias Willis Miller, late of Company K, Twelfth Regiment U. S. Colored Volunteer Heavy Artillery, \$12.

Eliza Jane Ellis, widow of George Ellis, late of Company H, One hundred and fourteenth Regiment U. S. Colored Volunteer Infantry, \$12.

Rosetta E. Arnold, widow of Smith D. Arnold, late of Thirtieth unattached company, Massachusetts Volunteer Heavy Artillery, \$20.

Emma J. Thomas, widow of William H. Thomas, late second lieutenant Company I, and first lieutenant and adjutant, Fifth Regiment Ohio Volunteer Infantry, \$20.

Elias W. Bowman, late of Company C, Fourteenth Regiment Illinois Volunteer Cavalry, \$36.

Emma C. Swift, widow of Daniel D. Swift, late assistant surgeon One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry, and surgeon Sixth Regiment Pennsylvania Volunteer Cavalry, \$25.

John L. Brady, late of Company C, and first lieutenant Company E, First Regiment Delaware Volunteer Infantry, \$30.

Lizzie Lynch, widow of Edward Lynch, late sergeant-major Second Regiment U. S. Infantry, second lieutenant Company I, First Regiment Veteran Reserve Corps, and captain, Eighth Regiment U. S. Infantry, \$30.

Sarah A. Clark, widow of Andrew J. Clark, late of Company I, Third Regiment Minnesota Volunteer Infantry, \$20.

John W. Dunahey, late of Company E, Second Regiment Kentucky Volunteer Cavalry, \$30.

Elizabeth B. Hughes, widow of William B. Hughes, late colonel and assistant quartermaster-general, United States Army, \$40.

Henry S. Tillotson, late of Company E, Seventh Regiment Vermont Volunteer Infantry, \$30.

John Preman, late of Company A, Fourteenth Regiment U. S. Infantry, \$30.

Asa Hayes, late of Company H, One hundred and twenty-second Regiment Ohio Volunteer Infantry, \$30.

William D. Wallace, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, \$30.

George M. Teachout, late of Company H, One hundred and eleventh Regiment New York Volunteer Infantry, \$30.

Malinda E. Church, widow of Josiah W. Church, late major, First Regiment Michigan Volunteer Light Artillery, \$12.

Nancy Crowther, dependent mother of Charles A. Watkins, late of Company E, First Regiment U. S. Volunteer Sharpshooters, \$12.

Howell Atwater, late captain Company E, First Regiment Connecticut Volunteer Cavalry, \$30.

Mr. McCUMBER. In line 25, on page 11, before the word "dollars," I move to strike out "twelve" and insert in lieu thereof the word "twenty," so as to read:

The name of Marie Sinclair Russell, widow of Henry B. Williams, late captain Company F, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war

and to certain widows and dependent and helpless relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following persons at the rate per month stated:

Jay B. Sessions, late of Company I, Thirty-seventh Regiment U. S. Volunteer Infantry, war with Spain, \$30.

John Sexton, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, \$12.

Winslow H. Reaves, late second lieutenant, Artillery Corps, U. S. Army, \$50.

Marianna C. Rockwell, widow of Charles H. Rockwell, late rear-admiral, United States Navy, \$40.

Samuel H. Askew, late first lieutenant Company A, Second Regiment Georgia Volunteer Infantry, war with Spain, \$50.

William G. Glasgow, late of Company C, Second Regiment Nebraska Volunteer Infantry, war with Spain, \$20.

Culbert King, alias Culbert-Kenney, late of Captain Standage's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, \$16.

Flora R. Turner, widow of Thomas J. Turner, late medical director, United States Navy, \$30.

Agnes L. Miller, widow of James M. Miller, late rear-admiral, United States Navy, \$50.

John A. Browne, late of Thirty-sixth and Fourth Companies, U. S. Coast Artillery, \$30.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 26072) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Pension Calendar up to to-day.

Mr. McCUMBER. I believe that is all, Mr. President.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 24, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 23, 1909.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, we thank Thee from our heart of hearts for the safe return of our naval fleet from its long voyage around the world. And we most fervently pray that it may serve to strengthen the ties of friendship and brotherly love between us and the nations at whose ports it touched; that the time may speedily come when these grim defenders of our rights and liberties shall be no longer needed, and that all state, national, and international problems shall be settled by the saner methods of arbitration; that Thy kingdom may come and Thy will be done on earth as it is in heaven. Amen.

The Journal of yesterday's proceedings was read and approved.

PANAMA CANAL.

Mr. CLARK of Florida. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARK of Florida. To a question of the highest privilege, Mr. Speaker. I desire to ask if the Clerk will read the resolution which I send to the desk.

The SPEAKER. The gentleman from Florida claims the floor on a question of the highest privilege.

Mr. CLARK of Florida. Mr. Speaker, I ask that the Clerk will read the resolution which I send to the desk.

The Clerk read as follows:

Whereas on the 26th day of January, A. D. 1909, this House of Representatives being there in session at the Capitol, and having under consideration in Committee of the Whole House on the state of the Union H. R. 26305, in "general debate," the Hon. HENRY T. RAINEY, a Representative in the Congress of the United States from the State of Illinois, then and there delivered from his place on the floor of the House an address in which he discussed the manner in which the Government of the United States acquired rights on the Isthmus of Panama, with relation to the proposed canal across said Isthmus; the manner of consummating the contract for the purchase of the canal property; the conduct of certain persons, official and nonofficial, connected therewith; and the general subject of the acquirement, construc-